

**BULKY
DOCUMENT**

(FILED ON PAPER – ENTIRE DOCUMENT EXCEEDS 100 PAGES)

Proceeding No.	92057023
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Filing Date	10/06/14
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Part	5 of	5
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92057023

Exhibit 4

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 4,220,686
Mark: GIOVANNI'S ALOHA FOODS Registration
date: October 9, 2012

In the matter of Trademark Registration No. 4,224,400
Mark: GIOVANNI'S SCAMPI MARINADE
Registration date: October 16, 2012

In the matter of Trademark Registration No. 4,232,569 Mark:
GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK
Registration date: October 30, 2012

In the matter of Trademark Registration No. 4,248,595
Mark: GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE
Registration date: November 27, 2012

LuckyU Enterprises, Inc., dba Giovanni's
Original White Shrimp Truck

Petitioner,

v.

Cancellation No. 92057023

John "Giovanni" Aragona

Respondent.

**REGISTRANT'S OBJECTIONS AND RESPONSES TO PETITIONER'S FIRST SET OF
REQUESTS FOR ADMISSIONS (NOS 1-129)**

Pursuant to Rule 26 and 36 of the Federal Rules of Civil Procedure, Respondent, John "Giovanni" Aragona, ("Registrant") hereby responds and objects to the First Set of Requests for Admission (Nos. 1-129) propounded by Petitioner, LuckyU Enterprises, Inc., ("Petitioner") as follows:

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PRELIMINARY STATEMENT

Registrant has commenced a reasonable and diligent investigation into the facts concerning this matter and in an effort to discover and obtain relevant documents and information, this investigation and discovery are ongoing and have not been completed. Registrant has requested additional information and documents which have not yet been received from their accountants, agents and others. Registrant reserves the right to change, amend, or supplement these responses with additional information and documents should further investigation and inquiry enable them to do so. Registrant further reserves the right to supplement any or all of the matters contained in these Responses with factors or information that it learns was omitted by inadvertence, mistake, excusable neglect, and as additional facts are ascertained, analyses are made, research is completed and contentions are made in this proceeding. Registrant makes these Responses without prejudice to its right to produce at any stage of these proceedings, including at trial, evidence of any facts or information that Registrant may later recall or discover.

Registrant's Response to each individual Request is submitted without prejudice to, and without in any way waiving, the general objections listed below but not expressly set for in that response. The general objections listed below are incorporated into every response and are set forth here to avoid the duplication and repetition of restating them for each Request. These general objections may specifically be referred to in response to a Request for clarity; however, the failure to specifically repeat a general objection should not be construed as a waiver of the objection. Moreover, no incidental or implied admissions are intended by the Responses below. The fact that Registrant has answered or objected to all or part of any Request should not be

construed or taken as an admission that Registrant accepts or admits the existence of any purported facts set forth or assumed by such Request or that Registrant has waived or intended to waive any part of any objection to the Request. Furthermore, Registrant's objections to Registrant's Requests do not necessarily reflect the existence of the requested information. Inadvertent disclosure of any information or documents shall not be a waiver of any claim of privilege, work-product protection or any other exemption.

These Responses also are made solely for the purpose of this action, and are subject to all objections as to competence, relevance, materiality, propriety and admissibility, and to any and all other objections on any grounds that would require the exclusion of any statements contained herein if such Request were asked of, or statements contained herein were made by, a witness present and testifying in this proceeding. All such objections and grounds are expressly reserved and may be interposed during the testimony period.

The specific Responses set forth below are based upon Registrant's interpretation of the language used in the Requests, and Registrant reserves the right to amend or supplement further its responses in the event Petitioner asserts an interpretation that differs from Registrant's interpretation.

GENERAL OBJECTIONS

1. Registrant objects to Petitioner's attempt to adopt and incorporate definitions and instructions set forth in earlier discovery. The requests must be complete in themselves without reference to other documents. Registrant further objects to any such instructions or definitions deemed to be included by reference to the extent they seek disclosure of information protected

by the attorney client privilege and/or the attorney work product doctrine, information outside Registrant's personal knowledge and beyond its obligation to inquire, or to the extent they purport to impose duties and obligations upon Registrant in responding to the requests that are greater than or different from those imposed or permitted by the Federal Rules of Civil Procedure.

2. Registrant further objects to any such instructions and definitions deemed included by reference to the extent that they request information from any and all agents, attorneys, investigators, consultants, experts, and other representatives Registrant has retained.

3. Registrant further objects to any such instructions and definitions deemed included by reference to the extent that they purport to define a term as conclusive of an issue in dispute in this proceeding. In particular, and without limitation, Registrant objects to the definition of "Petitioner's Marks" as "GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK, GIOVANNI'S SHRIMP TRUCK, and GIOVANNI'S ALOHA SHRIMP"; Petitioner's ownership and/or rights in those marks, Petitioner's right to register such marks and Petitioner's right to the exclusive use of such marks, among other things, are in issue in this Cancellation proceeding. Registrant objects to this definition and denies that Petitioner is the owner or has a valid right in the marks so defined.

4. Registrant objects to these Requests to the extent they seek an admission as to information not within the present possession, custody or control of Registrant. Registrant also objects to these requests to extent they seek information already in the possession of Petitioner and/or information in the custody or control of third parties.

5. Registrant objects to these Requests for Admission to the extent they seek information that is neither relevant to the subject matter of the pending action nor appear reasonably calculated to lead to the discovery of admissible evidence.

6. By responding to these Requests for Admission, Registrant does not in any way adopt Petitioner's purported definitions of words and phrases contained in Registrant's requests. Registrant objects to those definitions to the extent they are inconsistent with either (a) the definitions set forth by Registrant in its answers, or (b) the ordinary and customary meaning of such words and phrases. Similarly, Registrant objects to Petitioner's purported definitions to the extent they attempt to impose upon Registrant any obligations broader than, or inconsistent with, applicable discovery rules or common law.

7. Registrant objects to this request to the extent it seeks information protected by the attorney-client privilege, the work product immunity, trial preparation material and/or other applicable privileges or immunities from discovery and such information will be withheld (herein generally referred to as "privilege"). Any inadvertent disclosure of material protected by any such applicable privilege or discovery immunity is not intended to, and should not be construed to constitute a waiver of such privilege or immunity.

8. Registrant objects to these Requests for Admission insofar as they seek discovery of any material that constitutes the mental impressions, conclusions, opinions or legal theories of Registrant's counsel.

9. Registrant objects to these Requests for Admission insofar as they seek discovery of opinions of law which are beyond the scope of permissible discovery.

10. Registrant objects to these Requests for Admission to the extent they purport to impose obligations beyond those imposed by the Federal Rules of Civil Procedure and of the Trademark Rules of Practice.

11. Registrant objects to these Requests for Admission to the extent they are unreasonably cumulative or duplicative, vague, ambiguous, overly broad, unduly burdensome, or do not specify the information sought with sufficient particularity.

12. Registrant objects to these Requests for Admission to the extent they seek information that is publicly available, or that may be obtained from another source that is more convenient, less burdensome, or less expensive, or that is solely in the possession, custody, or control of third-parties.

13. Registrant objects to each Request to the extent it seeks an admission as to information whose possible materiality is outweighed by the burden of collecting the information.

14. These general objections are incorporated by reference into each specific answer made by Registrant to Petitioner's Requests for Admission.

Without waiver of its general objections, Registrant responds, as follows:

ADMISSIONS

ADMISSION NO. 1

Admit that the agreement attached as Exhibit A is the only signed version of the Asset Purchase Agreement between You and Petitioner.

RESPONSE

Deny.

ADMISSION NO. 2

Admit that the picture of the Giovanni's Aloha Foods Original White Shrimp Truck attached as Exhibit B was submitted as a specimen of use with the application for the mark GIOVANNI'S ALOHA FOODS of Application No. 85/428,740.

RESPONSE

Registrant objects to this request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine or any other applicable privilege. Registrant further objects that the request seeks admission of matters not relevant to the subject matter of the action or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of the foregoing objections, this request is admitted.

ADMISSION NO. 3

Admit that the truck depicted in Exhibit B was never owned by You.

RESPONSE

Admit.

ADMISSION NO. 4

Admit the PDF file from Giovanni's Aloha Foods website attached at Exhibit C was submitted as a specimen of use for the Application No. 85/428,740 for the mark GIOVANNI'S ALOHA FOODS for "food preparation services."

RESPONSE

Registrant objects to this request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine or any other applicable privilege. Registrant further objects that the request seeks admission of matters not relevant to the subject matter of the action or reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiver of the foregoing objections, or the right to introduce other and different evidence relevant to the issue, Registrant admits that the PDF file from Giovanni's Aloha Foods website attached at Exhibit C was one of the six images submitted as specimens of use for the Application No. 85/428,740 for the mark GIOVANNI'S ALOHA FOODS for "food preparation services."

ADMISSION NO. 5

Admit the website page at Exhibit C does not describe any services offered for others.

RESPONSE

Deny.

ADMISSION NO. 6

Admit the website page at Exhibit C depicts sauces available for sale.

RESPONSE

Registrant incorporates the General Objections set forth above. Without waiving these objections or the right to introduce other and different evidence relevant to the issue, Registrant admits the request to the extent that the website does advertise Registrant's sauces for sale, however, the website page at Exhibit C, advertises other aspects of Registrant's business, such as licensing opportunities that are available and acts as a menu for some of the food preparation services that are provided by Registrant as well.

ADMISSION NO. 7

Admit the menu at Exhibit D does not depict the entire mark of Application No. 85/428,740.

RESPONSE

Registrant objects to this request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine or any other applicable privilege. Without waiving

these objections or the right to introduce other and different evidence relevant to the issue, Registrant admits that the menu at Exhibit D does not depict the mark of Application No. 85/428,740, as stated in the specimens' description, the picture is of the shrimp truck.

ADMISSION NO. 8

Admit the PDF file from the website <http://www.behance.net/gallery/Giovannis-Aloha-Foods/1508987> attached at Exhibit E was submitted as a specimen of use for "food preparation services."

RESPONSE

Registrant objects to this request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine or any other applicable privilege. Without waiving these objections or the right to introduce other and different evidence relevant to the issue, Registrant admits that the PDF file from the website <http://www.behance.net/gallery/Giovannis-Aloha-Foods/1508987> attached at Exhibit E was one of the six images submitted as specimens of use for the Application No. 85/428,740 for the mark GIOVANNI'S ALOHA FOODS for "food preparation services."

ADMISSION NO. 9

Admit the website www.behance.net shown in Exhibit E features a gallery showing Amy Hepler's portfolio.

RESPONSE

Deny.

ADMISSION NO. 10

Admit Amy Hepler designed your website at www.giovannissauces.com.

RESPONSE

Admit.

ADMISSION NO. 11

Admit Amy Hepler designed your website at www.giosauces.com.

RESPONSE

Deny.

ADMISSION NO. 12

Admit Amy Hepler designed your website at www.giovannisalohashrimp.com.

RESPONSE

Deny.

ADMISSION NO. 13

Admit the picture of the sauce bottle at Exhibit F was submitted as a specimen of use for Application No. 85/428,620 for the mark GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE for "hot sauce."

RESPONSE

Registrant objects to this request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine or any other applicable privilege. Without waiving any such privilege, Registrant further objects that the request seeks admission of matters not relevant to the subject matter of the action or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of the foregoing objections, this request is admitted.

ADMISSION NO. 14

Admit the picture of the label at Exhibit F depicts GIOVANNI'S towards the top of the label

with the wording HOT & SPICY WE REALLY MEAN IT! SAUCE towards the bottom of the label.

RESPONSE

Deny.

ADMISSION NO. 15

Admit that Petitioner has not paid You any licensing fees to use any of the Marks at Issue for ten years.

RESPONSE

Deny.

ADMISSION NO. 16

Admit that the Asset Purchase Agreement did not require Petitioner to pay You any fees other than the one time sum of \$120,000.00.

RESPONSE

Deny.

ADMISSION NO. 17

Admit that Petitioner is not currently required to pay you any licensing fees to use any of the Marks at Issue.

RESPONSE

Deny.

ADMISSION NO. 18

Admit that You personally did not have any contact with Petitioner for at least a period of five years between January 1, 2003 and December 31, 2009.

RESPONSE

Deny.

ADMISSION NO. 19

Admit that You do not own a food truck that provides mobile restaurant services.

RESPONSE

Admit.

ADMISSION NO. 20

Admit that since November 7, 1997, You have not owned a food truck that provides mobile restaurant services.

RESPONSE

Deny.

ADMISSION NO. 21

Admit that during the period from December 1, 1997 - April 30, 2009, You did not own a food truck that provided mobile restaurant services.

RESPONSE

Deny.

ADMISSION NO. 22

Admit the Asset Purchase Agreement indicates that certain assets including a 1952 Chevrolet Truck were sold to Nitsche Enterprises, Inc.

RESPONSE

Registrant objects that the request seeks admissions about a conclusion of law or a central fact in dispute. Without waiving these objections, or the right to introduce other and different evidence relevant to the issue, Registrant admits this request.

ADMISSION NO. 23

Admit that since November 7, 1997, You personally have not provided "mobile restaurant services."

RESPONSE

Deny.

ADMISSION NO. 24

Admit that during the period of December 1, 1997 - April 30, 2009, You personally had not provided "mobile restaurant services."

RESPONSE

Deny.

ADMISSION NO. 25

Admit that other than any claimed use by licensees, You have not provided "mobile restaurant services."

RESPONSE

Deny.

ADMISSION NO. 26

Admit that You do not have any employees in the business of food preparation services.

RESPONSE

Deny.

ADMISSION NO. 27

Admit that since November 7, 1997, You do not have any employees in the business of food preparation services.

RESPONSE

Deny.

ADMISSION NO. 28

Admit that during the period of December 1, 1997 - April 30, 2009, You did not have any employees in the business of food preparation services.

RESPONSE

Deny.

ADMISSION NO. 29

Admit that You do not provide food preparation services.

RESPONSE

Deny.

ADMISSION NO. 30

Admit that Petitioner offers services under the trademarks GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK, GIOVANNI'S SHRIMP TRUCK, GIOVANNI'S ALOHA SHRIMP.

RESPONSE

Registrant objects that the request seeks admissions about a conclusion of law or a central fact in dispute. Registrant objects to this request to extent it calls for an admission of information in the possession of others. Registrant further objects to this request on the grounds that the phrase "offers services" is undefined, vague, ambiguous and is compound with respect to the meaning of and the multiple concepts of "trademark", "offers", and "services." Without waiving these objections, or the right to introduce other and different evidence relevant to the issue, Registrant admits that Petitioner offers services under the mark GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK. After reasonable inquiry, the information known to or readily obtainable by Registrant is insufficient to enable Registrant to admit or deny this request as to whether or not

Petitioner offers services under the GIOVANNI'S SHRIMP TRUCK and GIOVANNI'S ALOHA SHRIMP trademarks.

ADMISSION NO. 31

Admit that since November 7, 1997, Petitioner offers services under the trademarks GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK, GIOVANNI'S SHRIMP TRUCK, GIOVANNI'S ALOHA SHRIMP.

RESPONSE

Registrant objects that the request seeks admissions about a conclusion of law or a central fact in dispute. Registrant objects to this request to extent it calls for an admission of information in the possession of others. Registrant further objects to this request on the grounds that the phrase "offers services" is undefined, vague, ambiguous and is compound with respect to the meaning of and the multiple concepts of "trademark", "offers", and "services." Without waiving these objections, or the right to introduce other and different evidence relevant to the issue, Registrant admits that Petitioner offers services under the mark GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK. After reasonable inquiry, the information known to or readily obtainable by Registrant is insufficient to enable Registrant to admit or deny this request as to whether or not Petitioner offers services under the GIOVANNI'S SHRIMP TRUCK and GIOVANNI'S ALOHA SHRIMP trademarks.

ADMISSION NO. 32

Admit that Petitioner owns the rights to the trademark GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK.

RESPONSE

Deny.

ADMISSION NO. 33

Admit that in 1997, You personally did not use the name GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK.

RESPONSE

Registrant objects that the request seeks admissions about a conclusion of law or a central fact in dispute. Registrant further objects to this request on the grounds that the phrase "You personally did not use the name" is undefined, vague, and ambiguous. Without waiving these objections, Registrant denies this request.

ADMISSION NO. 34

Admit that, apart from any claimed use by licensees, until 2010 You personally have not used the trademark GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK.

RESPONSE

Deny.

ADMISSION NO. 35

Admit that Petitioner owns the rights to the mark GIOVANNI'S SHRIMP TRUCK.

RESPONSE

Deny.

ADMISSION NO. 36

Admit the documents attached at Exhibit G were filed with the Letter of Protest at the PTO as evidence to support Your claim that the subject mark falsely suggests a connection with John "Giovanni" Aragona.

RESPONSE

Registrant objects to this request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine or any other applicable privilege. Registrant further objects that the request seeks admission of matters not relevant to the subject matter of the action or reasonably calculated to lead to the discovery of admissible evidence. Registrant further objects to this request to the extent it requires multiple responses and is vague, indefinite and confusing in that it does not identify the “subject mark” or the “Letter of Protest” about which the request is being made. Furthermore, Registrant objects that the request is compound in that Exhibit G contains multiple magazine and newspaper articles, excerpts from pages of multiple books, and pages from multiple websites and blogs as a single PDF file thirty-four pages in length. Subject to and without waiver of the foregoing objections, or the right to introduce other and different evidence relevant to the issue, Registrant admits the documents attached at pages 13-34 of Exhibit G were among the documents that the Commissioner of Trademarks submitted to the Examining Attorney as evidence that showed that the name “Giovanni” in the applied-for marks identified the particular living individual John “Giovanni” Aragona. Registrant denies the remainder of this request.

ADMISSION NO. 37

Admit the Fodor's entry from 2007 at Exhibit G indicates the shrimp truck owned by You and Connie Aragona has changed hands.

RESPONSE

Registrant objects that the request is ambiguous, vague, and confusing as to what is meant by the phrase “Giovanni's was sold to the current owner Troy Nitsche in 1997” and the word “indicates” as it is used in this request. Registrant further objects to this request to extent it calls for an admission of information in the possession of others, is misleading as it is used out of context and

excludes other relevant information contained in the same article. For this reason, Registrant has attached all relevant portions from the Fodor's entry from 2007 at Exhibit G in full as Exhibit A. After making reasonable inquiry to ascertain information which would allow Registrant to admit or deny this request as to the matters asserted in the article, Registrant is without sufficient information and personal knowledge to do so and cannot respond, therefore this request is denied.

ADMISSION NO. 38

Admit the Fodor's entry from 2010 at Exhibit G indicates the shrimp truck owned by You and Connie Aragona has changed hands.

RESPONSE

Registrant objects that the request is ambiguous, vague, and confusing as to what is meant by the phrase "the shrimp truck owned by You and Connie Aragona has changed hands" and the word "indicates" as it is used in this request. Registrant further objects to this request to extent it calls for an admission of information in the possession of others, is misleading as it is used out of context and excludes other relevant information contained in the same article. For this reason, Registrant has attached all relevant portions from the Fodor's entry from 2010 at Exhibit G in full as Exhibit B. After making reasonable inquiry to ascertain information which would allow Registrant to admit or deny this request as to the matters asserted in the article, Registrant is without sufficient information and personal knowledge to do so and cannot respond, therefore this request is denied.

ADMISSION NO. 39

Admit the Fodor's Oahu, 2nd Edition article at Exhibit G indicates the shrimp truck owned by You and Connie Aragona has changed hands.

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RESPONSE

Registrant objects that the request is ambiguous, vague, and confusing as to what is meant by the phrase “the shrimp truck owned by You and Connie Aragona has changed hands” and the word “indicates” as it is used in this request. Registrant further objects to this request to extent it calls for an admission of information in the possession of others, is misleading as it is used out of context and excludes other relevant information contained in the same article. For this reason, Registrant has attached all relevant portions from the Fodor's Oahu, 2nd Edition at Exhibit G in full as Exhibit C. After making reasonable inquiry to ascertain information which would allow Registrant to admit or deny this request as to the matters asserted in the article, Registrant is without sufficient information and personal knowledge to do so and cannot respond, therefore this request is denied.

ADMISSION NO. 40

Admit the Fodor's Travel Intelligence article at Exhibit G indicates the shrimp truck owned by You and Connie Aragona has changed hands.

RESPONSE

Registrant objects that the request is ambiguous, vague, and confusing as to what is meant by the phrase “the shrimp truck owned by You and Connie Aragona has changed hands” and the word “indicates” as it is used in this request. Registrant further objects to this request to extent it calls for an admission of information in the possession of others, is misleading as it is used out of context and excludes other relevant information contained in the same article. For this reason, Registrant has attached all relevant portions from the Fodor's Travel Intelligence article at Exhibit G in full as Exhibit D. After making reasonable inquiry to ascertain information which would allow Registrant to admit or deny this request as to the matters asserted in the article, Registrant

is without sufficient information and personal knowledge to do so and cannot respond, therefore this request is denied.

ADMISSION NO. 41

Admit the Hawaii for Visitors article at Exhibit G makes no mention of You.

RESPONSE

Deny.

ADMISSION NO. 42

Admit the Flickrriver entry at Exhibit G indicates that Giovanni's was sold to Troy Nitsche in 1997.

RESPONSE

Registrant objects that the request is ambiguous, vague, and confusing as to what is meant by the phrase "Giovanni's was sold to Troy Nitsche in 1997" and the word "indicates" as it is used in this request. Registrant further objects to this request to extent it calls for an admission of information in the possession of others, is misleading, used out of context and excludes other relevant information contained in the same article. For this reason, Registrant includes all relevant portions from the Flickrriver entry at Exhibit G below:

"The Flickrriver entry at Exhibit G includes several pictures of the food and sauces served by Giovanni's and the following text: "Giovanni's Shrimp Truck, a graffiti-covered white shrimp truck, is the oldest and one of the best known shrimp trucks on O'ahu's north shore. Usually parked off Kamehameha Highway just past Puuluana Street in Kahuku, Giovanni's is famous for their shrimp scampi, but also serve a hot and spicy shrimp and a lemon and butter shrimp. Started in 1993 by the Aragona family, Giovanni's was sold to Troy Nitsche in 1997. Giovanni's sells an average of 400 plates of shrimp a day."

After making reasonable inquiry to ascertain information which would allow Registrant to admit or deny this request as to the matters asserted in the article, Registrant is without sufficient

information and personal knowledge to do so and cannot respond, therefore this request is denied.

ADMISSION NO. 43

Admit the Flickr entry at Exhibit G indicates that Giovanni's was sold to Troy Nitsche in 1997.

RESPONSE

Registrant objects that the request is ambiguous, vague, and confusing as to what is meant by the phrase "Giovanni's was sold to Troy Nitsche in 1997" and the word "indicates" as it is used in this request. Registrant further objects to this request to extent it calls for an admission of information in the possession of others, is misleading as it is used out of context and excludes other relevant information contained in the same article. For this reason, Registrant includes all relevant portions from the Flickr entry at Exhibit G below:

"Giovanni's Shrimp Truck, a graffiti-covered white shrimp truck, is the oldest and one of the best known shrimp trucks on O'ahu's north shore. Usually parked off Kamehameha Highway just past Puuluana Street in Kahuku, Giovanni's is famous for their shrimp scampi, but also serve a hot and spicy shrimp and a lemon and butter shrimp. Started in 1993 by the Aragona family, Giovanni's was sold to Troy Nitsche in 1997. Giovanni's sells an average of 400 plates of shrimp a day."

After making reasonable inquiry to ascertain information which would allow Registrant to admit or deny this request as to the matters asserted in the article, Registrant is without sufficient information and personal knowledge to do so and cannot respond, therefore this request is denied.

ADMISSION NO. 44

Admit the page from hawaiiivacationinsider.com at Exhibit G indicates that Giovanni's was sold to the current owner Troy Nitsche in 1997.

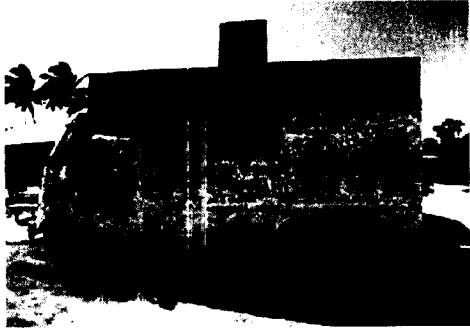
RESPONSE

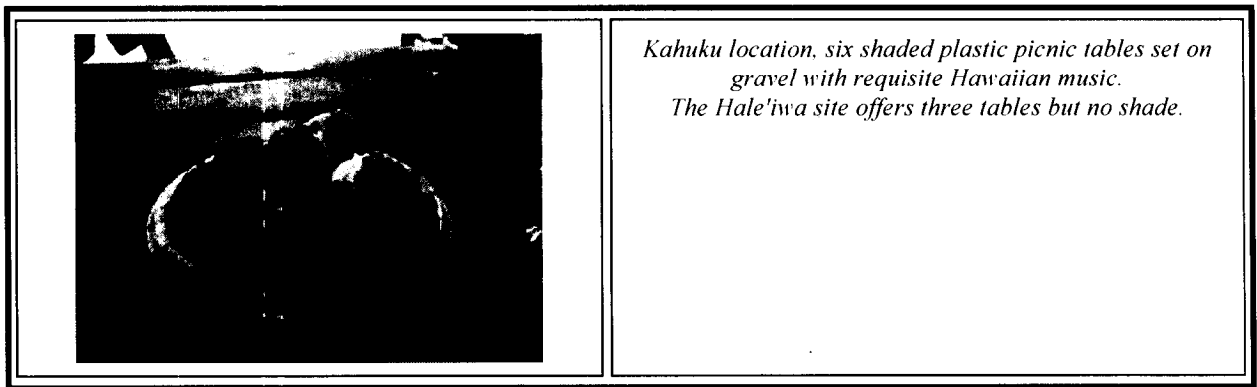
Registrant objects that the request is ambiguous, vague, and confusing as to what is meant by the phrase “Giovanni’s was sold to the current owner Troy Nitsche in 1997” and the word “indicates” as it is used in this request. Registrant further objects to this request to extent it calls for an admission of information in the possession of others, is misleading as it is used out of context and excludes other relevant information contained in the same article. For this reason, Registrant includes all relevant portions of the page from hawaiiivacationinsider.com at Exhibit G below:

The page from hawaiiivacationinsider.com at Exhibit G includes an article titled “The Shrimp Shacks/Trucks” that states the following:

"The shrimp shack phenomenon began with a lost lease and a determined restaurateur. In 1994, when Giovanni and Connie Aragona couldn't renew the lease on their Hale'iwa deli, they began hawking their best-selling dish -- an Italian-style scampi preparation involving lemon, butter, and lots of garlic -- from a truck alongside the road. About the same time, aquaculture was gaining a foothold in nearby Kahuku, with farmers raising sweet, white shrimp and huge, orange-whiskered prawns in shallow freshwater ponds. The ready supply and the success of the first shrimp truck led to many imitators. Now, no trip to the North Shore or around the Island is complete without a stop for these delicious morsels."

The following advertisement also appears on the hawaiiivacationinsider.com page at Exhibit G:

	<p>Giovanni's Original White Shrimp Truck says it all. Around for 11 years, this institution among North Shore shrimp stops is the oldest and best known, making <i>Saveur</i> magazine's 100 list for 2004. Started by the Aragona family, Giovanni's was sold to current owner Troy Nitsche in 1997.</p> <p>The traditional-style shrimp scampi plate (\$11) has 12 deveined Neighbor Island shrimp swimming in a succulent, mildly spicy sauce. We couldn't help eating all of the sauce-soaked two scoops of rice even though we were starting to feel the effects of the shrimp and butter.</p> <ul style="list-style-type: none">• Location: Kahuku, near the sugar mill• Phone: (808) 293-1839• Times: 11 a.m.-6:30 p.m. daily (last order taken at 6:15 p.m.) <p><i>Call first for latest up to date info if prices and times are important</i></p>
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After making reasonable inquiry to ascertain information which would allow Registrant to admit or deny this request as to the matters asserted in the article, Registrant is without sufficient information and personal knowledge to do so and cannot respond, therefore this request is denied.

ADMISSION NO. 45

Admit the article from the Rapid City Journal at Exhibit G indicates Connie Aragona, John Aragona and two business partners were selling Giovanni's Aloha Shrimp at Sturgis.

RESPONSE

Registrant objects that the request is ambiguous, vague, and confusing as to what is meant by the phrase "selling Giovanni's Aloha Shrimp" and the word "indicates" as it is used in this request. Registrant further objects to this request to extent it calls for an admission of information in the possession of others. Furthermore, this request is misleading as it is used out of context and excludes relevant information contained in the same article. For this reason, Registrant has attached all relevant portions from the Rapid City Journal at Exhibit E. After making reasonable inquiry to ascertain information which would allow Registrant to admit or deny this request as to the matters asserted in the article, Registrant is without sufficient information and personal knowledge to do so and cannot respond, therefore this request is denied.

ADMISSION NO. 46

Admit the two partners referenced in the article from the Rapid City Journal at Exhibit G were James Goodrich and Troy Nitsche.

RESPONSE

Registrant objects to this request to extent it calls for an admission of information in the possession of others. Furthermore, this request is misleading as it is used out of context and excludes relevant information contained in the same article. For this reason, Registrant has attached all relevant portions from the Rapid City Journal at Exhibit E. After making reasonable inquiry to ascertain information which would allow Registrant to admit or deny this request as to the matters asserted in the article, Registrant is without sufficient information and personal knowledge to do so and cannot respond, therefore this request is denied.

ADMISSION NO. 47

Admit the September 24, 2004 article "What's a drive in the country without shrimp?" at Exhibit G indicates Giovanni's was sold to current owner Troy Nitsche in 1997.

RESPONSE

Registrant objects that the request is ambiguous, vague, and confusing as to what is meant by the terms "Giovanni's" and "indicates" as used in this request. Registrant further objects that this request is misleading as it is used out of context and excludes other relevant information contained in the same article. For this reason, Registrant has included all relevant portions of the September 24, 2004 article "What's a drive in the country without shrimp?" at Exhibit F. As Exhibit F shows, the top right corner of the article labels it as an "Advertisement." As Registrant was not the party who placed or submitted the text that was used in the advertisement, Petitioner is the only other party that could have been responsible for doing so, and who could know

exactly what was being indicated. Without waiving these objections, Registrant admits that he started the business known as “Giovanni’s Original White Shrimp Truck” 11 years prior to the date when this article was written in 2004 (or around 1993) and that the business has always sold shrimp and hot and spicy and scampi sauces. Registrant is without sufficient information and knowledge to admit or deny this request as to the remainder of matters asserted by Petitioner in the article, and has made a reasonable inquiry to ascertain information which would allow Registrant to do so and cannot respond, therefore this request is denied as to the remainder.

ADMISSION NO. 48

Admit the September 24, 2004 article "What's a drive in the country without shrimp?" at Exhibit G indicates a new modernized shrimp truck will replace the old one in Kahuka.

RESPONSE

Registrant objects that the request is ambiguous, vague, and confusing as to what is meant by the phrase “the old one in Kahuka” and the term “indicates” as used in this request. Registrant further objects to this request to extent it calls for an admission of information in the possession of others. Furthermore, this request is misleading as it is used out of context and excludes relevant information contained in the same article. For this reason, Registrant has included all relevant portions of the September 24, 2004 article "What's a drive in the country without shrimp?" at Exhibit F. As Exhibit F shows, the top right corner of the article labels it as an “Advertisement.” As Registrant was not the party who placed or submitted the text that was used in the advertisement, Petitioner is the only other party that could have been responsible for doing so, or who could know exactly what was being indicated. Without waiving these objections, Registrant admits that he started the business known as “Giovanni’s Original White Shrimp Truck” 11 years prior to the date when this article was written in 2004 (or around 1993) and that the business has

always sold shrimp and hot and spicy and scampi sauces. Registrant is without sufficient information and knowledge to admit or deny this request as to the other matters asserted by Petitioner in the article, and has made a reasonable inquiry to ascertain information which would allow Registrant to do so and cannot respond, therefore this request is denied as to the remainder.

ADMISSION NO. 49

Admit You were not involved in replacing the old shrimp truck in Kahuka.

RESPONSE

Registrant objects to this request to extent it calls for an admission of information in the possession of others. Registrant further objects to this request to the extent as use of the phrase “the old shrimp truck in Kahuka” and the term “involved” are vague, ambiguous and indefinite and Registrant cannot respond and therefore this request is denied.

ADMISSION NO. 50

Admit You were not consulted in replacing the old shrimp truck in Kahuka.

RESPONSE

Registrant objects to this request to extent it calls for an admission of information in the possession of others. Registrant further objects to this request to the extent its use of the phrase “the old shrimp truck in Kahuka” and the term “consulted” is vague, ambiguous and indefinite and Registrant cannot respond and therefore this request is denied.

ADMISSION NO. 51

Admit the article from 1514WaikikiSunset.com at Exhibit G is incomplete.

RESPONSE

Deny.

ADMISSION NO. 52

Admit that Petitioner owns the rights to the mark GIOVANNI'S ALOHA SHRIMP.

RESPONSE

Deny.

ADMISSION NO. 53

Admit You are not using the mark GIOVANNI'S ALOHA SHRIMP.

RESPONSE

Deny.

ADMISSION NO. 54

Admit that You are not using the mark GIOVANNI'S ALOHA FOODS of Registration No. 4,220,686.

RESPONSE

Deny.

ADMISSION NO. 55

Admit that You are not using the mark GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK of Registration No. 4,232,569.

RESPONSE

Deny.

ADMISSION NO. 56

Admit Troy Nitsche and James Goodrich are members in the Hawaiian company, Giovanni's Aloha Foods.

RESPONSE

Registrant objects that the request calls for speculation and is vague and ambiguous as to the implied or intended meaning of the term “Giovanni's Aloha Foods” or to the timeframe that is relevant to this request and Registrant cannot respond and therefore this request is denied.

ADMISSION NO. 57

Admit that the Letter of Protest filed at the PTO against Application Nos. 85/219,363, 85/219,370, 85/201,283, and 85/201,288 did not indicate that Troy Nitsche and James Goodrich were members in the Hawaiian company, Giovanni's Aloha Foods.

RESPONSE

Registrant objects to this request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine or any other applicable privilege. Registrant further objects that the request seeks admission of matters not relevant to the subject matter of the action or reasonably calculated to lead to the discovery of admissible evidence. Registrant further objects to this request to the extent it requires multiple responses and to the extent it is vague, indefinite and confusing in that it does not identify which “Giovanni's Aloha Foods” company is being referred to, or about which “Letter of Protest” the request is directed, and Registrant cannot respond and therefore this request is denied.

ADMISSION NO. 58

Admit Troy Nitsche and James Goodrich were members with You in the Hawaiian company, Giovanni's Aloha Foods.

RESPONSE

Registrant objects that the request calls for speculation and is vague and ambiguous as to the implied or intended meaning of the term “Giovanni's Aloha Foods” or to the timeframe that is relevant to this request and Registrant cannot respond and therefore this request is denied.

ADMISSION NO. 59

Admit that the mark GIOVANNI'S SCAMPI MARINADE is confusingly similar to Petitioner's Marks.

RESPONSE

Deny.

ADMISSION NO. 60

Admit that the mark GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE is confusingly similar to Petitioner's Marks.

RESPONSE

Deny.

ADMISSION NO. 61

Admit that you did not sell a bottle of marinade for at least a period of five years between January 1, 2003 and December 31, 2009.

RESPONSE

Deny.

ADMISSION NO. 62

Admit that during the period from October 2000 - May 2009, You did not authorize anyone other than Petitioners to use the subject marks.

RESPONSE

Deny.

ADMISSION NO. 63

Admit that during the period from October 2000 - May 2009, You did not personally provide any "food preparation services" under any of the subject marks.

RESPONSE

Deny.

ADMISSION NO. 64

Admit that during the period from October 2000 - May 2009, You did not personally provide any "mobile restaurant services" under any of the subject marks.

RESPONSE

Deny.

ADMISSION NO. 65

Admit that during the period from October 2000 - May 2009, You did not personally sell any "sauces" under any of the subject marks.

RESPONSE

Deny.

ADMISSION NO. 66

Admit that during the period from October 2000 - May 2009, You did not personally sell any "marinades" under any of the subject marks.

RESPONSE

Deny.

ADMISSION NO. 67

Admit that at some point during the period from October 2000 - May 2009, You did not intend to personally provide "food preparation services" under any of the subject marks.

RESPONSE

Deny.

ADMISSION NO. 68

Admit that at some point during the period from October 2000 - May 2009, You did not intend to personally provide "mobile restaurant services" under any of the subject marks.

RESPONSE

Deny.

ADMISSION NO. 69

Admit that at some point during the period from October 2000 - May 2009, You did not intend to personally sell "sauces" under any of the subject marks.

RESPONSE

Deny.

ADMISSION NO. 70

Admit that at some point during the period from October 2000 - May 2009, You did not intend to personally sell "marinades" under any of the subject marks.

RESPONSE

Deny.

ADMISSION NO. 71

Admit that You abandoned use of the mark GIOVANNI'S SCAMPI MARINADE.

RESPONSE

Deny.

ADMISSION NO. 72

Admit that You do not use the mark GIOVANNI'S SCAMPI MARINDADE of Registration No. 4,224,400.

RESPONSE

Deny.

ADMISSION NO. 73

Admit that You abandoned use of the mark GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE.

RESPONSE

Deny.

ADMISSION NO. 74

Admit that You do not use the mark GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE of Registration No. 4,248,595.

RESPONSE

Deny.

ADMISSION NO. 75

Admit that you have never approached Petitioner to discuss any quality control measures relating to the licensing of the Marks at Issue on Petitioner's goods and services.

RESPONSE

Deny.

ADMISSION NO. 76

Admit that You are not claiming You personally used the GIOVANNI'S ALOHA FOODS mark for food preparation services in 2003.

RESPONSE

Deny.

ADMISSION NO. 77

Admit that You were unable to fulfill Petitioner's requirements for sauces.

RESPONSE

Deny.

ADMISSION NO. 78

Admit that You provided the sauce recipes referenced in paragraph 10-C(i) of the signed Asset Purchase Agreement to Troy Nitsche.

RESPONSE

Deny.

ADMISSION NO. 79

Admit that the sauce recipes You provided to Troy Nitsche referenced in paragraph 10-C(i) of the signed Asset Purchase Agreement to Troy Nitsche include the recipes referred to as "Giovanni's Scampi Sauce" and "Giovanni's Really Hot & Spicy We Really Mean It! Sauce."

RESPONSE

Admitted as to "Giovanni's Really Hot & Spicy We Really Mean It! Sauce." Denied as to "Giovanni's Scampi Sauce," the recipe refers to "Giovanni's Scampi Marinade."

ADMISSION NO. 80

Admit that You did not design the menu depicted in the specimen of use at Exhibit D.

RESPONSE

Deny.

ADMISSION NO. 81

Admit You were not responsible for the design of the menu at Exhibit D.

RESPONSE

Deny.

ADMISSION NO. 82

Admit You did not provide approval of the design of the menu at Exhibit D.

RESPONSE

Deny.

ADMISSION NO. 83

Admit Your approval was not required to design the menu at Exhibit D.

RESPONSE

Deny.

ADMISSION NO. 84

Admit some menu items offered under the name GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK have changed since the execution of the Asset Purchase Agreement.

RESPONSE

Registrant objects to this request to extent it calls for an admission of information in the possession of others. Registrant further objects to this request to the extent as it use of the phrase “some menu items offered” and “under the name GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK” is vague, ambiguous, indefinite, and calls for speculation, and Registrant cannot respond and therefore this request is denied.

ADMISSION NO. 85

Admit You did not provide approval to change any menu items offered under the name GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK.

RESPONSE

Deny.

ADMISSION NO. 86

Admit Your approval was not required to change any menu items offered under the name GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK.

RESPONSE

Deny.

ADMISSION NO. 87

Admit some menu items offered under the name GIOVANNI'S SHRIMP TRUCK have changed since the execution of the Asset Purchase Agreement.

RESPONSE

Registrant objects to this request to extent it calls for an admission of information in the possession of others. Registrant objects that the request is not relevant or reasonably calculated to lead to discovery of admissible evidence to the within proceeding. Registrant further objects to this request to the extent its use of the phrases "the name GIOVANNI'S SHRIMP TRUCK" and "some menu items offered" is vague, ambiguous and indefinite and Registrant cannot respond and therefore this request is denied.

ADMISSION NO. 88

Admit You did not provide approval to change any menu items offered under the name GIOVANNI'S SHRIMP TRUCK.

RESPONSE

Registrant objects to this request to extent it calls for an admission of information in the possession of others. Registrant objects that the request is not relevant or reasonably calculated to lead to discovery of admissible evidence to the within proceeding. Registrant further objects to this request to the extent its use of the phrases "the name GIOVANNI'S SHRIMP TRUCK" and "any of the menu items offered" is vague, ambiguous and indefinite and Registrant cannot respond and therefore this request is denied.

ADMISSION NO. 89

Admit Your approval was not required to change any menu items offered under the name GIOVANNI'S SHRIMP TRUCK.

RESPONSE

Registrant objects to this request to extent it calls for an admission of information in the possession of others. Registrant objects that the request is not relevant or reasonably calculated to lead to discovery of admissible evidence to the within proceeding. Registrant further objects to this request to the extent its use of the phrases “the name GIOVANNI'S SHRIMP TRUCK” and “any of the menu items offered” and the term “approval” is vague, ambiguous and indefinite and Registrant cannot respond and therefore this request is denied.

ADMISSION NO. 90

Admit You have not provided permission to anyone other than Petitioner to use any of Petitioner's GIOVANNI'S Marks.

RESPONSE

Deny.

ADMISSION NO. 91

Admit that You do not exercise any control over Petitioner's use of Petitioner's GIOVANNI'S Marks.

RESPONSE

Deny.

ADMISSION NO. 92

Admit that You have no right to object to Petitioner's use of Petitioner's GIOVANNI'S Marks.

RESPONSE

Deny.

ADMISSION NO. 93

Admit that You have not raised any objections to Petitioner's use of Petitioner's GIOVANNI'S Marks.

RESPONSE

Deny.

ADMISSION NO. 94

Admit the divorce decree attached at Exhibit H does not identify any interest of any kind in any businesses.

RESPONSE

Registrant objects to this request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine or any other applicable privilege. Without waiving any such privilege, Registrant further objects that the request seeks admission of matters not relevant to the subject matter of the action or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of the foregoing objections, this request is denied.

ADMISSION NO. 95

Admit the divorce decree attached at Exhibit H does not identify any interest of any kind in any trademarks.

RESPONSE

Registrant objects to this request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine or any other applicable privilege. Without waiving any such privilege, Registrant further objects that the request seeks admission of matters not relevant to the subject matter of the action or reasonably calculated to lead to the discovery of

admissible evidence. Subject to and without waiver of the foregoing objections, this request is denied.

ADMISSION NO. 96

Admit the divorce decree attached at Exhibit H does not identify any interest of any kind in any recipes.

RESPONSE

Registrant objects to this request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine or any other applicable privilege. Without waiving any such privilege, Registrant further objects that the request seeks admission of matters not relevant to the subject matter of the action or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of the foregoing objections, this request is denied.

ADMISSION NO. 97

Admit the divorce decree attached at Exhibit H does not identify any interest of any kind in any recipes.

RESPONSE

Registrant objects to this request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine or any other applicable privilege. Without waiving any such privilege, Registrant further objects that the request seeks admission of matters not relevant to the subject matter of the action or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of the foregoing objections, this request is denied.

ADMISSION NO. 98

Admit the divorce decree attached at Exhibit H identifies all your assets as of the date of the decree.

RESPONSE

Registrant objects to this request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine or any other applicable privilege. Without waiving any such privilege, Registrant further objects that the request seeks admission of matters not relevant to the subject matter of the action or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of the foregoing objections, this request is denied.

ADMISSION NO. 99

Admit you disclosed all assets to the Court in connection with Your divorce from Connie Aragona.

RESPONSE

Registrant objects to this request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine or any other applicable privilege. Without waiving any such privilege, Registrant further objects that the request seeks admission of matters not relevant to the subject matter of the action or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiver of the foregoing objections, this request is denied.

ADMISSION NO. 100

Admit that the quotations found on www.giovannissauces.com and attached as Exhibit I were referring the Petitioner's business.

RESPONSE

Deny.

ADMISSION NO. 101

Admit that the statements in quotations found on www.giovannissauces.com and attached as Exhibit I were not made to You.

RESPONSE

Deny.

ADMISSION NO. 102

Admit that You have not met any of the persons who made the statements shown in quotations at Exhibit I.

RESPONSE

Deny.

ADMISSION NO. 103

Admit that You do not know the origin of the quotations at Exhibit I.

RESPONSE

Deny.

ADMISSION NO. 104

Admit that You do not know when the statements made in the quotations at Exhibit I were made.

RESPONSE

Deny.

ADMISSION NO. 105

Admit that You do not currently offer services associated with GIOVANNI'S ALOHA FOODS.

RESPONSE

Deny.

ADMISSION NO. 106

Admit that You do not currently offer services associated with GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK.

RESPONSE

Deny.

ADMISSION NO. 107

Admit You do not currently offer goods associated with GIOVANNI'S SCAMPI MARINADE.

RESPONSE

Deny.

ADMISSION NO. 108

Admit You do not currently offer goods associated with GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE.

RESPONSE

Deny.

ADMISSION NO. 109

Admit that You have no rights in the mark GIOVANNI'S ALOHA SHRIMP since the time you entered the Asset Purchase Agreement with Troy Nitsche.

RESPONSE

Deny.

ADMISSION NO.110

Admit that You have no rights in the mark GIOVANNI'S SHRIMP TRUCK since the time you entered into the Asset Purchase Agreement with Troy Nitsche.

RESPONSE

Deny.

ADMISSION NO. 111

Admit You have no rights in the mark GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK since the time you entered into the Asset Purchase Agreement with Troy Nitsche.

RESPONSE

Deny.

ADMISSION NO. 112

Admit that You did not use the Marks at Issue from April 2000 - May 2009.

RESPONSE

Deny.

ADMISSION NO. 113

Admit that You have no role in the company Giovanni's Aloha Shrimp, L.L.C.

RESPONSE

Deny.

ADMISSION NO. 114

Admit that You abandoned any position You had at Giovanni's Aloha Shrimp, L.L.C.

RESPONSE

Deny.

ADMISSION NO. 115

Admit that You are no longer active in the Hawaii company known as Giovanni's Aloha Shrimp, LLC.

RESPONSE

Deny.

ADMISSION NO. 116

Admit that since the execution of the Asset Purchase Agreement, Petitioner sales under Petitioner's Marks have grown.

RESPONSE

Registrant objects to this request to extent it calls for an admission of information in the possession of others. Registrant objects that the request is not relevant or reasonably calculated to lead to discovery of admissible evidence to the within proceeding. Registrant further objects to this request to the extent its use of the phrase "Petitioner's Marks" the term "grown" is vague, ambiguous and indefinite and Registrant cannot respond and therefore this request is denied.

ADMISSION NO. 117

Admit that since the execution of the Asset Purchase Agreement, the renown of Petitioner's Marks has grown.

RESPONSE

Deny.

ADMISSION NO. 118

Admit that Petitioner and its predecessor Nitsche Enterprises, Inc. have continuously used Petitioner's Marks in commerce since at least November 7, 1997.

RESPONSE

Registrant objects that the request seeks admissions about a conclusion of law or a central fact in dispute. Registrant objects to this request to extent it calls for an admission of information in the possession of others. Registrant further objects to this request to the extent it seeks a legal conclusion. Registrant further objects to the term "using" as undefined, vague and ambiguous,

indefinite, and calls for speculation. Without waiving these objections, or the right to introduce other and different evidence relevant to the issue, Registrant admits that Petitioner offers services under the mark GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK. After reasonable inquiry, the information known to or readily obtainable by Registrant is insufficient to enable Registrant to admit or deny this request as to whether or not Petitioner offers services under the GIOVANNI'S SHRIMP TRUCK and GIOVANNI'S ALOHA SHRIMP trademarks.

ADMISSION NO. 119

Admit that Petitioner has not abandoned Petitioner's Marks.

RESPONSE

Deny.

ADMISSION NO. 120

Admit Application Serial No. 85/428,740 was filed in the wrong name.

RESPONSE

Deny.

ADMISSION NO. 121

Admit that Application Serial No. 85/428,673 was filed in the wrong name.

RESPONSE

Deny.

ADMISSION NO. 122

Admit that Application Serial No. 85/428,620 was filed in the wrong name.

RESPONSE

Deny.

ADMISSION NO. 123

Admit that Application Serial No. 85/428,464 was filed in the wrong name.

RESPONSE

Deny.

ADMISSION NO. 124

Admit that the term "license" is not used in the Asset Purchase Agreement.

RESPONSE

Deny.

ADMISSION NO. 125

Admit the phrase "quality control" is not used in the Asset Purchase Agreement.

RESPONSE

Deny.

ADMISSION NO. 126

Admit that the Asset Purchase Agreement does not provide for cooperation of the parties other than the transition referenced in ¶ 13 of the Asset Purchase Agreement.

RESPONSE

Deny.

ADMISSION NO. 127

Admit the Asset Purchase Agreement is not a license agreement.

RESPONSE

Deny.

ADMISSION NO. 128

Admit You were represented by counsel when you entered into the Asset Purchase Agreement.

RESPONSE

Admit.

ADMISSION NO. 129

Admit You personally were not selling or transporting Respondent's Goods from May 31, 2006-
June 18, 2008.

RESPONSE

Deny.

Date: December 11, 2013

Respectfully submitted,

s/Jamie N. Pitts/

Jamie N. Pitts

Florida Bar No. 72632

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email: jamienpitts@jnplawfirm.com

Counsel for Registrant

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that the foregoing **REGISTRANT'S OBJECTIONS AND RESPONSES TO PETITIONER'S FIRST SET OF REQUESTS FOR ADMISSIONS (NOS 1-129)** was served electronically upon Petitioner by delivering true and correct copies of same electronically and via U.S. Mail to counsel for Petitioner on December 11, 2013 as follows:

Jennifer Fraser
NOVAK DRUCE CONNOLLY BOVE & QUIGG LLP
1875 Eye Street, N.W.
Eleventh Floor
Washington, D.C. 20006

s/Jamie N. Pitts/
Jamie N. Pitts

SHRIMP SHACKS

NO DRIVE TO THE NORTH SHORE is complete without a shrimp stop. Shrimp stands dot Kamehameha Highway from Kahalu'u to Kahuku. For under \$10, you can get a shrimp plate lunch or a snack of chilled shrimp with cocktail sauce, served from a rough hut or converted vehicle (many permanently immobile), with picnic table seating.

The shrimp shack phenomenon began with a lost lease and a determined restaurateur. In 1994, when Giovanni and Connie Aragona couldn't renew the lease on their Hale'iwa deli, they began hawking their best-selling dish—an Italian-style scampi preparation involving lemon, butter, and lots of garlic—from a truck alongside the road. About the same time, aquaculture was gaining a foothold in nearby Kahuku, with farmers raising sweet, white shrimp and huge, orange-whiskered prawns in shallow freshwater ponds. The ready supply and the success of the first shrimp truck led to many imitators.

Though it's changed hands, that first business lives on as Giovanni's Original Shrimp Truck, parked in Kahuku town. Signature dishes include the garlicky shrimp and a spicy shrimp sauté, both worth a stop.

But there's plenty of competition—at least seven stands, trucks, or stalls are operating at any given time, with varying menus (and quality).

Don't be fooled that all that shrimp comes fresh from the ponds; much of it is imported. The only way you can be sure you're buying local farm-raised shrimp is if the shrimp is still kicking. Romy's Kahuku Prawns and Shrimp Hut is an arm of one of the longest-running aquaculture farms in the area; they sell live shrimp and prawns along with excellent plate lunches. The panfried shrimp and buttery, locally-raised corn from the bright yellow Shrimp Shack, parked at Kaya Store in Punalu'u, is first-rate, too.

Shrimp Shacks

No drive to the North Shore is complete without a shrimp stop. Shrimp stands dot Kamehameha Highway from Kahalu'u to Kahuku. For under \$12, you can get a shrimp plate lunch or a snack of chilled shrimp with cocktail sauce, served from a rough hut or converted vehicle (many permanently immobile), with picnic table seating.

The shrimp shack phenomenon began with a lost lease and a determined restaurateur. In 1994, when Giovanni and Connie Aragona couldn't renew the lease on their Hale'iwa deli, they began hawking their best-selling dish—an Italian-style scampi preparation involving lemon, butter, and lots of garlic—from a truck alongside the road. About the same time, aquaculture was gaining a foothold in nearby Kahuku, with farmers raising sweet, white shrimp and huge, orange-whiskered prawns in shallow freshwater ponds. The ready supply and the success of the first shrimp truck led to many imitators.

Though it has changed hands, that first business lives on as Giovanni's Original Shrimp Truck, parked in Kahuku town. Signature dishes include the garlic shrimp and a spicy shrimp sauté, both worth a stop.

But there's plenty of competition—at least a half-dozen stands, trucks, or stalls are operating at any given time, with varying menus (and quality).

Don't be fooled that all that shrimp comes fresh from the ponds; much of it is imported. The only way you can be sure you're buying local farm-raised shrimp is if the shrimp is still kicking. Romy's Kahuku Prawns and Shrimp Hut is an arm of one of the longest-running aquaculture farms in the area; they sell excellent plate lunches. The panfried shrimp and buttery, locally raised corn from the bright yellow Shrimp Shack, parked at Kaya Store in Punalu'u, are first-rate, too.

Shrimp Snacks

No drive to the North Shore is complete without a shrimp stop. Shrimp stands dot Kamehameha Highway from Kahala'u to Kahuku. For under \$10, you can get a shrimp plate lunch or a snack of chilled shrimp with cocktail sauce, served from a rough hut or converted vehicle (many permanently parked), with picnic-table seating.

The shrimp shack phenomenon began with a lost lease and a determined restaurateur. In 1994, when Giovanni and Connie Aragona couldn't renew the lease on their Hale'iwa deli, they began hawking their best-selling dish—an Italian-style scampi preparation involving lemon, butter, and lots of garlic—from a truck alongside the road. About the same time, aquaculture was gaining a foothold in nearby Kahuku, with farmers raising sweet white shrimp and huge, orange-whiskered prawns in shallow freshwater ponds. The ready supply and the success of the first shrimp truck led to many imitators.

Though it's changed hands, that first business lives on as Giovanni's Original Shrimp Truck, parked in Kahuku town. Signature dishes include the garlic shrimp and a spicy shrimp sauté, both worth a stop.

But there's plenty of competition—at least seven stands, trucks, or stalls are operating at any given time, with varying menus (and quality).

Don't be fooled that all of the shrimp comes fresh from the ponds, much of it is imported. The only way you can be sure you're buying local farm-raised shrimp is if the shrimp is still kicking. Romy's Kahuku Prawns and Shrimp Hut (Kamehameha Hwy., near Kahuku) is an arm of one of the longest-running aquaculture farms in the area; they sell live shrimp and prawns and farm-raised fish along with excellent plate lunches. The pan-fried shrimp and buttery, locally-raised corn from the bright-yellow Shrimp Shack, parked at The Ching Store on Kamehameha Highway in Punalu'u, is first-rate, too.

worth the drive. 6257-091 Kamehameha Hwy., Kahuku 808/293-0801 **► Dine, MC** *Reservations essential*

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Exhibit D: Fodor's Travel Intelligence article at Exhibit G

North Shore Shrimp Stands | Honolulu and Oahu Features | Fodo...

<http://m.fodors.com/world/north-america/usa/hawaii/honolulu-a...>

g+1

No drive to the North Shore is complete without a shrimp stop. Shrimp stands dot Kamehameha Highway from Kahaluu to Kahuku. For about \$12, you can get a shrimp plate lunch or a snack of chilled shrimp with cocktail sauce, served from a rough hut or converted van (many permanently parked), with picnic-table seating. The shrimp-shack phenomenon began with a lost lease and a determined restaurateur. In 1994, when Giovanni and Connie Aragona couldn't renew the lease on their Haleiwa deli, they began hawking their best-selling dish—an Italian-style scampi preparation involving lemon, butter, and lots of garlic—from a truck alongside the road. About the same time, aquaculture was gaining a foothold in nearby Kahuku, with farmers raising sweet, white shrimp and huge, orange-whiskered prawns in shallow freshwater ponds. The ready supply and the success of the first shrimp truck led to many imitators. Though it's changed hands, that first business lives on as Giovanni's Original Shrimp Truck, parked in Kahuku town. Signature dishes include the garlic shrimp and a spicy shrimp sauté, both worth a stop. But there's plenty of competition—at least a dozen stands, trucks, or stalls are operating at any given time, with varying menus (and quality). Not all of that shrimp comes fresh from the ponds; much of it is imported. The only way you can be sure you're buying local, farm-raised shrimp is if the shrimp is still kicking. Romy's Kahuku Prawns and Shrimp Hut (Kamehameha Hwy., near Kahuku) is an arm of one of the longest-running aquaculture farms in the area; it sells live shrimp and prawns and farm-raised fish along with excellent plate lunches. The award-winning Mackey's serves some of the juiciest, tastiest plates on the North Shore; if you're lucky, you'll be greeted by the gregarious Mackey Chan himself.

11

1 of 4

and still were

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She even has salads and fruit for sale, a far cry from the usually deep-fried fare sold elsewhere.
You may call reporter Lori Myland at 384-8423 or send e-mail to lori.myland@rapidcityjournal.com.

TRENDING OFFERS AND ARTICLES



**It's the best time to
buy a car in the history of
the United States.**
By Lori Myland
Rapid City Journal



**After a long wait, the
Pine Ridge Reservation
is finally open to
tourists.**
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Poll

An Aug. 12 referendum vote showed that the majority of tribal members favor the legalization of alcohol on the Pine Ridge Reservation. Do you think alcohol should be legal on the Pine Ridge Reservation?

Yes
No



View Results

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Exhibit F: Article "What's a drive in the country without shrimp?"

What's a drive in the country without shrimp? | The Honolulu Advert...

http://the.honoluluadvertiser.com/article/2004/Sep/24/en/en12a.html

Posted on Friday, September 24, 2004

What's a drive in the country without shrimp?

Editor's note: Today we introduce our new restaurant critic, Helen Wu, a graduate of the University of Hawai'i (Asian studies) and of the Kapi'olani Community College culinary arts program, where she received outstanding- student and culinary-excellence awards, and also wrote for Kapio, the student journal. Wu wrote for The Advertiser while in school, as well.

By Helen Wu
Advertiser Restaurant Critic

No drive to the North Shore is complete without a meal at one of the shrimp stands that have sprouted along the highway as a result of the development of aquaculture farms here. These are now are some of the most recognized dining spots in an area of the island not known for food.

My mission was to compare and contrast the shrimp shacks, and I brought my mother (a self-professed shrimp fanatic who can suck in a whole shrimp, head and all, and just spit out the shell). During two forays, we tried garlic butter scampi-style shrimp plates at a half-dozen spots. One caution: Shrimp shacks come and go, and hours vary. Be flexible.

Shrimp Shack
Bright banana-yellow Shrimp Shack in Punalu'u is the cleanest and quaintest shrimp stop. Owner Irene Theofanis has operated it for six years and was featured on a Food Network special called "Beach Eats." Theofanis uses Kaua'i shrimp and believes they are cleaner because of their special diet and a wel- controlled environment in plastic-lined pens with recirculated water.

The quarter-pound of pan-fried garlic shrimp (at \$9.75, the least expensive plate) equaled 12 pieces and arrived with rice and a choice of homemade cocktail sauce or garlic butter on the side. The shrimp packed just a bit of spicy heat, tasting as if they had been sautUed in a dry spice rub and lightly salted. Wash it all down with a liliko'i float (\$1.75) or a cold beer from Kaya's next door.

Also on the menu: snow crab legs (\$12.75); mussels (\$8.25); chili rice (\$3.50); hot dog (\$2); Kahuku corn on a stick (\$2).

Ambience: 11 shaded wooden picnic tables on a manicured lawn. Hawaiian music; wafts in the background.

Giovanni's Original White Shrimp Truck

The sign for graffiti-covered Giovanni's Original White Shrimp Truck says it all. Around for 11 years, this institution among North Shore shrimp stops is the oldest and best known, making Saveur magazine's 100 list for 2004. Started by the Aragona family, Giovanni's was sold to current owner Troy Nitsche in 1997. By the time you read this, a new, modernized shrimp truck will have replaced the old one in Kahuku. New graffiti already are beginning to decorate it.

The traditional-style shrimp scampi plate (\$11) had 12 de- veined Neighbor Island shrimps swimming in a succulent, mildly spicy sauce. We couldn't help eating all of the sauce-soaked two scoops of rice even though we were starting to feel the effects of the shrimp and butter. Lots of garlic chunks in the sauce and a huge lemon wedge offer extra flavor. It's easy to see why Giovanni's sells an average of 400 plates a day.

Also on the menu: hot and spicy and lemon butter sautUed shrimp. Half plates, \$6.

Ambience: at Kahuku location, six shaded plastic picnic tables set on gravel with requisite Hawaiian music. The Hale'iwa site offers three tables but no shade.

Famous Kahuku Shrimp Truck

The Famous Kahuku Shrimp Truck is nearly a twin of Giovanni's but with an Asian spin. Owner



At Romy's Kahuku Prawns & Shrimp Hut, after the big crustaceans are put on the plate, a sauce loaded with sautUed garlic chunks is ladled on. The shrimp and prawns are harvested daily from ponds. Deborah Booker • The Honolulu Advertiser

Advertisement for Budget Truck Rental. It features a large '20% Off' graphic and text: 'Personal Rentals Picked-Up May 2nd-25th*'. At the bottom, it says 'Reserve Now' with a right arrow icon.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Registration No. 4,220,686
 Mark: GIOVANNI'S ALOHA FOODS
 Registration date: October 9, 2012

In the matter of Trademark Registration No. 4,224,400
 Mark: GIOVANNI'S SCAMPI MARINADE
 Registration date: October 16, 2012

In the matter of Trademark Registration No. 4,232,569 Mark:
 GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK
 Registration date: October 30, 2012

In the matter of Trademark Registration No. 4,248,595
 Mark: GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE
 Registration date: November 27, 2012

LuckyU Enterprises, Inc., dba Giovanni's	:	
Original White Shrimp Truck	:	
	:	
Petitioner,	:	
	:	
v.	:	Cancellation No. 92057023
	:	
John "Giovanni" Aragona	:	
	:	
Respondent.	:	

REGISTRANT'S OBJECTIONS AND RESPONSES TO PETITIONER'S SECOND SET OF
 REQUESTS FOR ADMISSIONS (NOS 130-149)

Pursuant to Rule 26 and 36 of the Federal Rules of Civil Procedure, Respondent, John
 "Giovanni" Aragona, ("Registrant") hereby responds and objects to the Second Set of
 Requests for Admission (Nos. 130-149) propounded by Petitioner, LuckyU Enterprises,
 Inc., ("Petitioner") as follows:

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PRELIMINARY STATEMENT

Registrant has commenced a reasonable and diligent investigation into the facts concerning this matter and in an effort to discover and obtain relevant documents and information, this investigation and discovery are ongoing and have not been completed. Registrant has requested additional information and documents which have not yet been received from their accountants, agents and others. Registrant reserves the right to change, amend, or supplement these responses with additional information and documents should further investigation and inquiry enable them to do so. Registrant further reserves the right to supplement any or all of the matters contained in these Responses with factors or information that it learns was omitted by inadvertence, mistake, excusable neglect, and as additional facts are ascertained, analyses are made, research is completed and contentions are made in this proceeding. Registrant makes these Responses without prejudice to its right to produce at any stage of these proceedings, including at trial, evidence of any facts or information that Registrant may later recall or discover.

Registrant's Response to each individual Request is submitted without prejudice to, and without in any way waiving, the general objections listed below but not expressly set for in that response. The general objections listed below are incorporated into every response and are set forth here to avoid the duplication and repetition of restating them for each Request. These general objections may specifically be referred to in response to a Request for clarity; however, the failure to specifically repeat a general objection should not be construed as a waiver of the objection. Moreover, no incidental or implied admissions are intended by the Responses below. The fact that Registrant has answered or objected to all or part of any Request should not be construed or taken as an admission that Registrant accepts or admits the existence of any

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purported facts set forth or assumed by such Request or that Registrant has waived or intended to waive any part of any objection to the Request. Furthermore, Registrant's objections to Petitioner's Requests do not necessarily reflect the existence of the requested information. Inadvertent disclosure of any information or documents shall not be a waiver of any claim of privilege, work-product protection or any other exemption.

These Responses also are made solely for the purpose of this action, and are subject to all objections as to competence, relevance, materiality, propriety and admissibility, and to any and all other objections on any grounds that would require the exclusion of any statements contained herein if such Request were asked of, or statements contained herein were made by, a witness present and testifying in this proceeding. All such objections and grounds are expressly reserved and may be interposed during the testimony period.

The specific Responses set forth below are based upon Registrant's interpretation of the language used in the Requests, and Registrant reserves the right to amend or supplement further its responses in the event Petitioner asserts an interpretation that differs from Registrant's interpretation.

GENERAL OBJECTIONS

1. Registrant objects to Petitioner's Second Set of Requests for Admissions to the extent they were not served during the discovery period. Registrant has requested proof that the Second Set of Requests for Admissions were mailed on January 13, 2014 as certified. As of the due date of Registrant's response, Petitioner has not provided such verification, nor indicated whether any such proof exists. Registrant reserves the right of not responding to the Second Set of Requests

For Admissions for their lack of timely service.

2. Registrant objects to Petitioner's attempt to adopt and incorporate definitions and instructions set forth in earlier discovery. The requests must be complete in themselves without reference to other documents. Registrant further objects to any such instructions or definitions deemed to be included by reference to the extent they seek disclosure of information protected by the attorney client privilege and/or the attorney work product doctrine, information outside Registrant's personal knowledge and beyond its obligation to inquire, or to the extent they purport to impose duties and obligations upon Registrant in responding to the requests that are greater than or different from those imposed or permitted by the Federal Rules of Civil Procedure.

3. Registrant further objects to any such instructions and definitions deemed included by reference to the extent that they request information from any and all agents, attorneys, investigators, consultants, experts, and other representatives Registrant has retained.

4. Registrant further objects to any such instructions and definitions deemed included by reference to the extent that they purport to define a term as conclusive of an issue in dispute in this proceeding. In particular, and without limitation, Registrant objects to the definition of "Petitioner's Marks" as "GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK, GIOVANNI'S SHRIMP TRUCK, and GIOVANNI'S ALOHA SHRIMP"; Petitioner's ownership and/or rights in those marks, Petitioner's right to register such marks and Petitioner's right to the exclusive use of such marks, among other things, are in issue in this Cancellation proceeding. Registrant objects to this definition and denies that Petitioner is the owner or has a valid right in the marks so defined.

5. Registrant objects to these Requests to the extent they seek an admission as to information not within the present possession, custody or control of Registrant. Registrant also objects to these requests to extent they seek information already in the possession of Petitioner and/or information in the custody or control of third parties.

6. Registrant objects to these Requests for Admission to the extent they seek information that is neither relevant to the subject matter of the pending action nor appear reasonably calculated to lead to the discovery of admissible evidence.

7. By responding to these Requests for Admission, Registrant does not in any way adopt Petitioner's purported definitions of words and phrases contained in Registrant's requests. Registrant objects to those definitions to the extent they are inconsistent with either (a) the definitions set forth by Registrant in its answers, or (b) the ordinary and customary meaning of such words and phrases. Similarly, Registrant objects to Petitioner's purported definitions to the extent they attempt to impose upon Registrant any obligations broader than, or inconsistent with, applicable discovery rules or common law.

8. Registrant objects to this request to the extent it seeks information protected by the attorney-client privilege, the work product immunity, trial preparation material and/or other applicable privileges or immunities from discovery and such information will be withheld (herein generally referred to as "privilege"). Any inadvertent disclosure of material protected by any such applicable privilege or discovery immunity is not intended to, and should not be construed to constitute a waiver of such privilege or immunity.

9. Registrant objects to these Requests for Admission insofar as they seek discovery of any material that constitutes the mental impressions, conclusions, opinions or legal theories of

Registrant's counsel.

10. Registrant objects to these Requests for Admission insofar as they seek discovery of opinions of law which are beyond the scope of permissible discovery.

11. Registrant objects to these Requests for Admission to the extent they purport to impose obligations beyond those imposed by the Federal Rules of Civil Procedure and of the Trademark Rules of Practice.

12. Registrant objects to these Requests for Admission to the extent they are unreasonably cumulative or duplicative, vague, ambiguous, overly broad, unduly burdensome, or do not specify the information sought with sufficient particularity.

13. Registrant objects to these Requests for Admission to the extent they seek information that is publicly available, or that may be obtained from another source that is more convenient, less burdensome, or less expensive, or that is solely in the possession, custody, or control of third-parties.

14. Registrant objects to each Request to the extent it seeks an admission as to information whose possible materiality is outweighed by the burden of collecting the information.

15. These general objections are incorporated by reference into each specific answer made by Registrant to Petitioner's Requests for Admission.

Without waiver of its general objections, Registrant responds, as follows:

ADMISSIONS

ADMISSION NO. 130

Admit you registered the Marks at Issue after the divorce between you and
Connie Aragona.

RESPONSE

Admit.

ADMISSION NO. 131

Admit you applied to register the Marks at Issue after the divorce between you
and Connie Aragona.

RESPONSE

Admit.

ADMISSION NO. 132

Admit you have not produced documents showing customer names.

RESPONSE

Deny.

ADMISSION NO. 133

Admit you have not provided any identifying information for any customers in
this proceeding.

RESPONSE

Deny.

ADMISSION NO. 134

Admit you currently do not have any customers.

RESPONSE

Deny.

ADMISSION NO. 135

Admit you personally did not have any customers for Respondent's Goods and/or Respondent's Services in 2012.

RESPONSE

Deny.

ADMISSION NO. 136

Admit you personally did not have any customers for Respondent's Goods and/or Respondent's Services in 2011.

RESPONSE

Deny.

ADMISSION NO. 137

Admit you personally did not have any customers for Respondent's Goods and/or Respondent's Services in 2010.

RESPONSE

Deny.

ADMISSION NO. 138

Admit you personally did not have any customers for Respondent's Goods and/or Respondent's Services in 2009.

RESPONSE

Deny.

ADMISSION NO. 139

Admit you personally did not have any customers for Respondent's Goods

and/or Respondent's Services in 2008.

RESPONSE

Deny.

ADMISSION NO. 140

Admit you personally did not have any customers for Respondent's Goods and/or Respondent's Services in 2007.

RESPONSE

Deny.

ADMISSION NO. 141

Admit you personally did not have any customers for Respondent's Goods and/or Respondent's Services in 2006.

RESPONSE

Deny.

ADMISSION NO. 142

Admit you personally did not have any customers for Respondent's Goods and/or Respondent's Services in 2005.

RESPONSE

Deny.

ADMISSION NO. 143

Admit you personally did not have any customers for Respondent's Goods and/or Respondent's Services in 2004.

RESPONSE

Deny.

ADMISSION NO. 144

Admit you personally did not have any customers for Respondent's Goods and/or Respondent's Services in 2003.

RESPONSE

Deny.

ADMISSION NO. 145

Admit you personally did not have any customers for Respondent's Goods and/or Respondent's Services in 2002.

RESPONSE

Deny.

ADMISSION NO. 146

Admit you personally did not have any customers for Respondent's Goods and/or Respondent's Services in 2001.

RESPONSE

Deny.

ADMISSION NO. 147

Admit you personally did not have any customers for Respondent's Goods and/or Respondent's Services in 2000.

RESPONSE

Deny.

ADMISSION NO. 148

Admit you personally did not have any customers for Respondent's Goods and/or Respondent's Services in 1999.

RESPONSE

Deny.

ADMISSION NO. 149

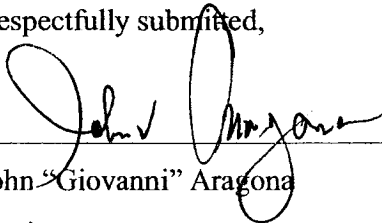
Admit you personally did not have any customers for Respondent's Goods and/or Respondent's Services in 1998.

RESPONSE

Deny.

Date: February 18, 2014

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Aragona", written over a horizontal line.

John "Giovanni" Aragona

Registrant

AS TO THE OBJECTIONS ONLY:

s/Jamie N. Pitts/

Jamie N. Pitts

Florida Bar No. 72632

The Law Office of Jamie N. Pitts, Esq.

1064 N. Tamiami Trail, Ste. #1533

Sarasota, FL 34236

(941) 893-7751– telephone

(855) 224-7819– facsimile

email: jamiempitts@jnplawfirm.com

Counsel for Registrant

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that the foregoing **REGISTRANT'S OBJECTIONS AND RESPONSES TO PETITIONER'S SECOND SET OF REQUESTS FOR ADMISSIONS (NOS 130-149)** was served electronically upon Petitioner by delivering true and correct copies of same electronically and via U.S. Mail to counsel for Petitioner on February 18, 2014 as follows:

Jennifer Fraser
NOVAK DRUCE CONNOLLY BOVE & QUIGG LLP
1875 Eye Street, N.W.
Eleventh Floor
Washington, D.C. 20006

s/Jamie N. Pitts/

Jamie N. Pitts



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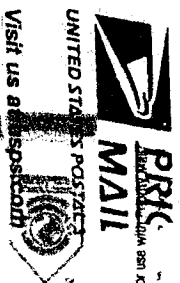
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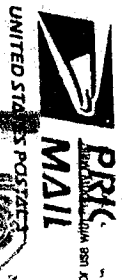
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Exhibit 5

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

LuckyU Enterprises, Inc.,
Petitioner,

v.

John Aragona,
Registrant.

Cancellation No.: 92057023
Registration No.: 4,232,569
Mark: **GIOVANNI'S ORIGINAL WHITE
SHRIMP TRUCK**
Registration Date: October 30, 2012

Registration No.: 4,220,686
Mark: **GIOVANNI'S ALOHA FOODS**
Registration Date: October 16, 2012

Registration No.: 4,224,400
Mark: **GIOVANNI'S SCAMPI MARINADE**
Registration Date: October 16, 2012

Registration No.: 4,248,595
Mark: **GIOVANNI'S HOT & SPICY WE
REALLY MEAN IT! SAUCE**
Registration Date: November 27, 2012

**REGISTRANT'S OBJECTIONS AND RESPONSES TO PETITIONER'S FIRST
SET OF INTERROGATORIES**

Registrant, John Giovanni Aragona ("Registrant"), by and through undersigned counsel, hereby responds to Petitioner, LuckyU Enterprises, Inc.'s ("Petitioner"), First Set of Interrogatories (the "Interrogatories"), as follows:

GENERAL OBJECTIONS

1. Registrant objects to Definition No. B as including "predecessors, parent corporations and/or entities, subsidiaries, related entities, divisions...employees, directors, officers, trustees,...or any person or entity acting in concert with Respondent, directly or indirectly," to the extent that it seeks to extend the discovery requests beyond the parties to the proceeding or entities from whom the information is available.

2. Registrant objects to Definition No. B as including any “agents [and] attorneys” to which Registrant is entitled to privilege or immunity under the Federal Rules of Civil Procedure or Federal Rules of Evidence.

3. Registrant objects to the Interrogatories to the extent they call for information or documents that reflect or constitute, in full or in part, a privileged communication between attorney and client ("Privilege Objection").

4. Registrant objects to the Interrogatories to the extent they call for information or documents which have been prepared or obtained either in anticipation of litigation or for hearing or trial, or which constitute the mental impressions, conclusions, opinions, or legal theories of counsel for Registrant ("Work Product Objection").

5. Registrant objects to the Interrogatories to the extent they call for Registrant to take action other than (i) a reasonable and thorough search for information and documents maintained in the possession, custody or control of Registrant responsive to the Interrogatories in locations where such information and documents are most likely to be found and (ii) a reasonable and thorough inquiry of those persons presently employed by Registrant most likely to have knowledge of information responsive to the Interrogatories ("Harassment Objection").

6. Registrant objects to the Interrogatories to the extent they call for (i) information which is not within the applicable scope of discovery in this action or (ii) information which is not relevant to the subject matter of this action and is not reasonably calculated to lead to the discovery of admissible evidence. Registrant objects to the Interrogatories to the extent that they call for information or documents that are not

available to Registrant or are equally available to Petitioner and Registrant ("Scope Objection").

7. Registrant objects to the Interrogatories to the extent that the same are overly broad or overly inclusive and/or call for extensive research or investigation that would subject Registrant to annoyance, embarrassment, oppression, or undue burden or expense ("Burden Objection").

8. Registrant objects the Interrogatories to the extent that the same are vague, indefinite, uncertain, and/or ambiguous and, thus, cannot be reasonably answered ("Vagueness Objection").

9. Registrant objects to the Interrogatories to the extent they seek proprietary or confidential business information. Registrant will provide such information and documents only pursuant to a Protective Order entered by the Trademark Trial and Appeal Board in this action ("Confidentiality Objection").

10. The foregoing General Objections are hereby incorporated by reference in each of the following responses of Registrant's to the Interrogatories, as if such General Objections were set forth verbatim in such responses.

11. By answering the Interrogatories, Registrant does not in any way waive or intend to waive, but instead intends to preserve, all objections as to the competency, relevancy, materiality, and admissibility of the answers or the subject matter thereof. Registrant reserves the right to supplement, amend, or correct all or part of the responses provided herein.

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INTERROGATORY RESPONSES

INTERROGATORY NO. 1:

State with particularity each type of product and/or service promoted, sold, or rendered by Respondent in connection with the Marks at Issue in the United States.

Response to Interrogatory No. 1: Registrant objects to Interrogatory No. 1 on the basis of Scope, Burden and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 1 as follows:

GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK: Mobile restaurant services

GIOVANNI'S ALOHA FOODS: Food preparation services

GIOVANNI'S SCAMPI MARINADE: Marinades

GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE: Hot sauce

INTERROGATORY NO. 2:

State with particularity when Respondent commenced its use of the Marks at Issue in connection with each product and/or service identified in the answer to Interrogatory No. 1.

Response to Interrogatory No. 2: Registrant objects to Interrogatory No. 2 on the basis of Scope, Burden and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 2 as follows:

GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK First Use: 1994/01/01

GIOVANNI'S ALOHA FOODS First Use: 1997/06/01

GIOVANNI'S SCAMPI MARINADE: First Use: 1994/01/01

GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE First Use:
1994/01/01

||

INTERROGATORY NO. 3:

Apart from any use by Petitioner of the Marks at Issue, identify any periods of time You personally were not selling or transporting Respondent's Goods.

Response to Interrogatory No. 3: Registrant objects to Interrogatory No. 3 on the basis of Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 3 as follows:

May 31, 2006 – June 18, 2008

INTERROGATORY NO. 4:

Apart from any use by Petitioner of the Marks at Issue, identify any periods of time You personally were not offering Respondent's Services.

Response to Interrogatory No. 4: Registrant objects to Interrogatory No. 4 on the basis of Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 4 as follows:

Excusable nonuse period between May 31, 2006 and June 18, 2008.

INTERROGATORY NO. 5:

State the dollar amount that Respondent has expended in advertising or promoting the products and/or services identified in the answer to Interrogatory No. 1, broken down into yearly expenditures since the Date of Use.

Response to Interrogatory No. 5: Registrant objects to Interrogatory No. 5 on the basis of Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 5 as follows:

Copies of non-privileged documents responsive to Interrogatory No. 5 will be made available for inspection and copying at a mutually convenient time at undersigned counsel's office.

INTERROGATORY NO. 6:

State the dollar amount that Respondent has earned in revenue selling the products and/or services identified in the answer to Interrogatory No. 1.

Response to Interrogatory No. 6: Registrant objects to Interrogatory No. 6 on the basis of Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 6 as follows:

Copies of non-privileged documents responsive to Interrogatory No. 6 will be made available for inspection and copying at a mutually convenient time at undersigned counsel's office.

INTERROGATORY NO. 7:

Describe with particularity the manner in which each product and/or service identified in the answer to Interrogatory No. 1 is offered for sale, distributed, or sold by or for Respondent in the United States.

Response to Interrogatory No. 7: Registrant objects to Interrogatory No. 7 on the basis of Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 7 as follows:

Products and services are offered for sale, distributed, and sold using all of the following:

Internet Sales and Advertising:

www.giovannissauces.com

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www.giovannisalohashrimp.com

www.giosauces.com

Facebook Fan Page and Facebook Ad Campaigns

LinkedIn Page

YouTube Videos

PayPal

Print Advertising:

Post Cards, Press Releases, Business Cards, Gourmet News, The Waiting Game (magazine distributed in print locally, regionally, and online)

Tradeshows, Conventions, and Charity Events:

Exhibition space: Fancy Food Show, Washington DC

Vendor: County Fair Charity Event, Ana Maria Island

Vendor: The Great American Event, Holmes Beach

National Gift Basket Convention, Orlando, FL

In-store demonstrations and product sampling promotions:

Publix, Whole Foods, Trader Joes, and Fresh Market

Formerly Distributed Through: Sam's Club, Hawaiian Military Commissaries,
The Compleat Kitchen, Pat's Island Delights

Respondent has also actively pursued franchising and licensing its Marks throughout the years since the first Date of Use.

INTERROGATORY NO. 8:

Since the Date of Use, identify all bottlers of Respondents Goods and the time period for which they provided bottling services.

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Response to Interrogatory No. 8: Registrant objects to Interrogatory No. 8 on the basis of Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 8 as follows:

Hagerty Foods

Palmetto Canning- June 2008

Gourmet Business Solutions- 2009

Hot Wachula's, Inc.- Starting June 2010

Bodine Etc. Specialty Foods- September 2011- Present

INTERROGATORY NO. 9:

Identify the number of units or bottles of hot sauce and marinade sold for each year under the Marks at Issue since the Date of Use.

Response to Interrogatory No. 9: Registrant objects to Interrogatory No. 9 on the basis of Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 9 as follows:

Copies of non-privileged documents responsive to Interrogatory No. 9 will be made available for inspection and copying at a mutually convenient time at undersigned counsel's office.

INTERROGATORY NO. 10:

Describe with particularity the advertising and promotional channels and/or media used by Respondent, or its licensees, to advertise or promote each of the Goods/Services identified in the answer to Interrogatory No. 1.

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Response to Interrogatory No. 10: Registrant objects to Interrogatory No. 10 on the basis of Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 10 as follows:

See Response to Interrogatory No. 7.

INTERROGATORY NO. 11:

Identify and describe with particularity all websites owned or controlled by You, including identifying all registered domain names.

Response to Interrogatory No. 11: Registrant objects to Interrogatory No. 11 on the basis of Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 11 as follows:

(a) giosauces.com

Respondent has owned and controlled the giosauces.com domain name from May 1998 through May 2006. Respondent first registered the giosauces.com domain name on May 31, 1998. Respondent renewed the giosauces.com domain name on May 31, 2003 through May 31, 2006. The domain name was parked from June 2006 through May 2010. Respondent registered the giosauces.com domain name again on May 18, 2010 and June 12, 2013.

(b) giovannissauces.com

Respondent registered the domain name giovannissauces.com on May 18, 2010, and Respondent continues to own and operate the domain name to date.

(c) giovannisalohashrimp.com

Respondent registered the domain name giovannisalohashrimp.com on May 18, 2010, and Respondent continues to own and operate the domain name to date.

INTERROGATORY NO. 12:

State with particularity all known addresses of Respondent, including business and home addresses and the relevant dates for each since the Date of Use.

Response to Interrogatory No. 12: Registrant objects to Interrogatory No. 12 on the basis of Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 12 as follows:

1989 - 1991 lived in Millalani

1991- 2000: 59-618 Kawoa Place, Haleiwa, HI 96712

April 2000 - October 2000: 96-1362 Waihona Street, Pearl City, HI 96782

Giovanni's Aloha Foods: P.O. Box 390, Haleiwa, HI 96712 (Just Business Address)

October 2000 - January 2001: 99 Wadsworth Street, Staten Island, NY

January 2001 - November 2005: 124 Travis Avenue, Staten Island, NY

November 2005 - April 2007: 120-1/2 Rector Street, Perth Amboy, NJ

April 2007 - May 2009: 750 Lido Blvd., Lido Beach, NY

May 2009 -present: 417 Whitfield Avenue, Sarasota, FL 34243

INTERROGATORY NO. 13:

State with particularity all business names under which Respondent has operated since the Date of Use and describe the nature of each business.

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Response to Interrogatory No. 13: Registrant objects to Interrogatory No. 13 on the basis of Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 13 as follows:

Giovanni's Aloha Shrimp- Nature of Business: Provided food preparation, food truck, and restaurant services; sold food-related products

Giovanni's Original White Shrimp Truck- Nature of Business: Provided food preparation, food truck, and restaurant services; sold food-related products

Giovanni's Aloha Foods- Nature of Business: Provided food preparation, food truck, and restaurant services; sold food-related products

INTERROGATORY NO. 14:

Since the Date of Use, identify all businesses from which You derived income including the business/employer name and address, Your title, the nature of the business and the dates from which You derived income.

Response to Interrogatory No. 14: Registrant objects to Interrogatory No. 14 on the basis of Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 14 as follows:

Giovanni's Aloha Shrimp - 1994

Giovanni's Aloha Foods - 1997

Giovanni's Aloha Foods LLC - 1999

INTERROGATORY NO. 15:

Describe the nature of the services listed in Registration No. 4,220,686 and the services listed in Registration No. 4,232,569 including an explanation of the differences in the services rendered under both marks.

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Response to Interrogatory No. 15: Registrant objects to Interrogatory No. 15 on the basis of Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 15 as follows:

The Giovanni's Aloha Foods mark is used in connection with preparing, manufacturing, and selling sauces and marinades. The Giovanni's Aloha Shrimp and Giovanni's Original White Shrimp Truck marks have always been used in connection with restaurant and food truck services.

INTERROGATORY NO. 16:

State whether Respondent has or had received any opinion regarding the availability of Respondent's Marks for use and/or registration, and identify all documents relating thereto, including but not limited to all searches, studies, investigations, or surveys.

Response to Interrogatory No. 16: Registrant objects to Interrogatory No. 16 on the basis of Privilege, Work Product, Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 16 as follows:

Copies of non-privileged documents responsive to Interrogatory No. 16, if any, will be made available for inspection and copying at a mutually convenient time at undersigned counsel's office.

INTERROGATORY NO. 17:

Identify all licensees of Respondent of the Marks at Issue, including any entity that has any type of permission to use the Marks at Issue and the dates for which such permission was provided.

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Response to Interrogatory No. 17: Registrant objects to Interrogatory No. 17 on the basis of Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 17 as follows:

Copies of non-privileged documents responsive to Interrogatory No. 17 will be made available for inspection and copying at a mutually convenient time at undersigned counsel's office.

INTERROGATORY NO. 18:

Describe with particularity any and all quality control measures undertaken by Respondent for any licensee(s) of the Marks at Issue since the Date of Use or date permission was provided.

Response to Interrogatory No. 18: Registrant objects to Interrogatory No. 18 on the basis of Confidentiality, Scope, Burden and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 18 as follows:

Registrant competently monitors the quality of Petitioner's operation and compliance with these quality control provisions through (1) trips Registrant has made to Hawaii over the term of the license wherein he personally sampled the food sold by Petitioner to confirm compliance; (2) contact with locals who frequent the restaurant who have never reported issues with quality or deviation from the express quality control provisions in the 1997 Asset Purchase Agreement (the "APA"), (3) continued knowledge of the restaurant's operations has been provided to Registrant by news papers, books, magazines, and websites that have publically and consistently reported details regarding the portion size, the sauces used, the overall quality of the food and services Petitioner provides, that Petitioner uses the same menus, serves the same food as had Registrant,

and has continued to use the same sauce as required; and (4) Registrant's relationship to Petitioner who Petitioner admits to previously co-owning a related business with Registrant, and (5) Respondent has hired a paralegal to monitor the performance of Petitioner's locations.

Express "quality control" provisions are found in Paragraph 10 of the APA, which is titled-- "Terms that Survive Closing." Specifically, the APA states that Petitioner was (1) obligated to sell at least a half pound of shrimp in the plate lunches sold; (2) obligated to use the same scampi sauce and hot and spicy sauce that the Registrant used as marination and sauces for the shrimp sold by Petitioner after acquiring the Registrant's business, (3) provision of training, and (4) obligated to purchase the scampi sauce and hot and spicy sauce from Registrant or Registrant's bottler. Further, Section 17 of the APA gives Registrant a means to enforce these quality control obligations by granting him the right to cancel the APA, as such cancellation would effectively terminate the trademark license it contains as well.

Further, Petitioner's pleadings establish that not only has there been no depreciation of the quality of the goods sold and services rendered during the period of the license, but that the value of the goodwill continued to increase during this period.

INTERROGATORY NO. 19:

Describe with specificity any and all proceedings in the United States (e.g., lawsuits, oppositions, cancellations, etc.), between Respondent and any other entity (other than the present Petitioner) which in any way involve Respondent's registration or use of the Marks at Issue.

Response to Interrogatory No. 19: Registrant objects to Interrogatory No. 19 on the basis of Confidentiality, Scope, Burden and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 19 as follows:

None.

INTERROGATORY NO. 20:

Describe with specificity the circumstances surrounding the adoption of the Mark GIOVANNI'S ALOHA FOODS of U.S. Trademark Registration No. 4,220,686, including the names of any person(s) and or companies that were associated with the adoption of the mark, the rationale behind adopting the mark after the other Marks at Issue in this proceeding, and the relationship between You and the Petitioner in regards to the GIOVANNI'S ALOHA FOODS mark.

Response to Interrogatory No. 20: Registrant objects to Interrogatory No. 20 on the basis of Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 20 as follows:

Respondent and Connie Aragona adopted the GIOVANNI'S ALOHA FOODS mark just prior-to entering into the APA. Plans for their new business, Giovanni Aloha Foods, included initially manufacturing the Giovanni's Hot and Spicy "We Really Mean It" Sauce and Giovanni's Scampi Marinade on a much larger scale than was formerly possible. It was named Giovanni's Aloha "Foods" because Respondent and his ex-wife imagined a much broader product and service line than their two original sauces. They had hopes of manufacturing and selling an entire line of sauces, marinades, frozen prepared meals, dips, and even candies under the Giovanni's Aloha Foods mark. The adoption of the mark also stemmed from their plans of franchising the shrimp truck and

licensing others to use the Giovanni's Aloha Shrimp and Giovanni's Original White Shrimp Truck marks in connection with restaurant and food truck services on the mainland.

INTERROGATORY NO. 21:

Describe with particularity the business relationship between You and Connie Aragona, including if You have an ongoing business relationship and the date any business relationship ended between You and Connie Aragona.

Response to Interrogatory No. 21: Registrant objects to Interrogatory No. 21 on the basis of Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 21 as follows:

Respondent has no ongoing business relationship with Connie Aragona. Day-to-day communications ended in 2001.

INTERROGATORY NO. 22:

Describe the circumstances surrounding any transfer of ownership of the Marks at Issue between You and Connie Aragona to You, including the date and terms of any agreement.

Response to Interrogatory No. 22: Registrant objects to Interrogatory No. 22 on the basis of Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 22 as follows:

Ownership was transferred during Respondent and Connie Aragona's divorce in 2000.

INTERROGATORY NO. 23:

Identify the first date when Connie Aragona was no longer involved in the business of providing the Respondent's Goods/Services for the Marks at Issue and describe the circumstances surrounding the end of her involvement with the business.

Response to Interrogatory No. 23: Registrant objects to Interrogatory No. 23 on the basis of Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 23 as follows:

Unknown.

INTERROGATORY NO. 24:

Describe with particularity any known effort(s) by Connie Aragona to exercise control over and/or use the Marks at Issue since the Date of Use.

Response to Interrogatory No. 24: Registrant objects to Interrogatory No. 24 on the basis of Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 24 as follows:

Unknown.

INTERROGATORY NO. 25:

Identify all manufacturers, suppliers and/or vendors that supply, or have supplied, ingredients for use in connection with Respondent's Goods/Services since the Date of Use.

Response to Interrogatory No. 25: Registrant objects to Interrogatory No. 25 on the basis of Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 25 as follows:

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Sam's Club, Spicehouse International Specialties Co., Walmart, a Vietnamese Shrimp Wholesale Company in Hawaii, Hagerty Foods, Palmetto Canning, Gourmet Business Solutions, Hot Wachula's, Inc, Bodine Etc. Specialty Foods, Staples, ULine, BayTech Label, Print Solutions, Nationwide Barcodes, Lowes, Home Depot, Party City, and other sources.

Discovery is continuing in this matter. Registrant has commenced a reasonable and diligent investigation into the facts concerning this matter and in an effort to discover and obtain relevant documents, this investigation and discovery are ongoing and has not been completed. Registrant has requested additional information and documents which have not yet been received from their accountants, agents and others. Registrant reserves the right to supplement these responses with additional information and documents should further investigation and inquiry enable them to do so.

INTERROGATORY NO. 26:

Describe the circumstances underlying the creation of the photographs used as specimens for the statement of use in Registration Nos. 4,220,686 and 4,232,569 including the name of the photographer(s), the date(s) taken, and the location(s) where taken.

Response to Interrogatory No. 26: Registrant objects to Interrogatory No. 26 on the basis of Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 26 as follows:

Registrant took these photos in Hawaii while monitoring the Shrimp Truck.

INTERROGATORY NO. 27:

Identify the person who designed the menu depicted in the specimen of use for Registration No. 4,220,686.

Response to Interrogatory No. 27: Registrant objects to Interrogatory No. 27 on the basis of Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 27 as follows:

Respondent designed the original menu, which was identical to the menu that is depicted in the specimen, minus the change in prices.

INTERROGATORY NO. 28:

Describe with particularity the circumstances surrounding the quotations found on Respondent's website www.giovannissauces.com attached as Exhibit A, including the relevant dates, locations, names of individuals and any contact information, and the circumstances surrounding how the quotations were gathered, e.g., by survey, phone interview, or direct customer feedback to Respondent, and identify the person(s) to whom the quotations were made.

Response to Interrogatory No. 28: Registrant objects to Interrogatory No. 28 on the basis of Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 28 as follows:

These customer comments were sent to Respondent as emails through the www.giosauces.com/feedback.html webpage page from 1998 through 2006. The same exact comments that are on Respondent's website today were on the giosauces.com website in 1999.

INTERROGATORY NO. 29:

Describe with particularity the circumstances surrounding Respondent's transfer of marinade and/or hot sauce recipes to Petitioner, including the date and reason(s) behind the transfer.

Response to Interrogatory No. 29: Registrant objects to Interrogatory No. 29 on the basis of Confidentiality, Scope, Burden and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 29 as follows:

The recipes were transferred to Petitioner following Respondent and Connie Aragona's divorce in 2000.

INTERROGATORY NO. 30:

State whether Respondent or any person acting for or on behalf of Respondent has received any communication, oral or in writing, from any person which suggests, implies, or infers that Respondent may be connected or associated with Petitioner or which comprises any inquiry as to whether there is or may be any such connection or association, or which evidences any such connection or association.

Response to Interrogatory No. 30: Registrant objects to Interrogatory No. 30 on the basis of Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 30 as follows:

Registrant recollects numerous instances where persons have asked such a question and several occasions upon which persons sent Registrant articles or told Registrant about articles or other publicity.

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INTERROGATORY NO. 31:

Describe with particularity any instances known to Respondent of consumer confusion between Petitioner's Marks and the Marks at Issue.

Response to Interrogatory No. 31: Registrant objects to Interrogatory No. 31 on the basis of Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 31 as follows:

There has been no consumer confusion between Petitioner's Marks and the Marks at Issue because the Marks at Issue are rightly owned by Respondent, and any use by Petitioner is use that inures to the benefit of Respondent.

INTERROGATORY NO. 32:

Identify any and all other trademarks that Respondent uses or intends to use to market Respondent's Goods/Services.

Response to Interrogatory No. 32: Registrant objects to Interrogatory No. 32 on the basis of Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 32 as follows:

None.

INTERROGATORY NO. 33:

Identify all documents relating to the subject matter of the foregoing interrogatories and the preparation of Respondent's responses thereto.

Response to Interrogatory No. 33: Registrant objects to Interrogatory No. 33 on the basis of Privilege, Work Product, Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 33 as follows:

Copies of non-privileged documents responsive to Interrogatory No. 33, if any, will be made available for inspection and copying at a mutually convenient time at undersigned counsel's office.

INTERROGATORY NO. 34:

Identify all employees hired by You in connection with providing Respondent's Goods/Services.

Response to Interrogatory No. 34: Registrant objects to Interrogatory No. 34 on the basis of Confidentiality, Scope, Burden and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 34 as follows:

Carol Aragona, CEO

Amy Helper, Website and Graphic Designer

INTERROGATORY NO. 35:

Identify any vehicles owned by You in connection with providing Respondent's Goods/Services and the dates You owned such vehicles.

Response to Interrogatory No. 35: Registrant objects to Interrogatory No. 35 on the basis of Confidentiality, Scope, Burden and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 35 as follows:

1953 Chevy bread truck - first Giovanni's Shrimp Truck

INTERROGATORY NO. 36:

Identify all business locations where Respondent's Goods/Services are manufactured, sold and/or provided and the owner and lessor of the property and the dates when the locations were used.

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Response to Interrogatory No. 36: Registrant objects to Interrogatory No. 36 on the basis of Confidentiality, Scope, Burden and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 36 as follows:

2 trucks - one on Kam Highway in Haleiwa; one on Kam Highway, Kahuku, HI

INTERROGATORY NO. 37:

Identify all assets involved in the business of GIOVANNI'S ALOHA SHRIMP that were not sold when You and Connie Aragona entered into the Asset Purchase Agreement attached at Appendix A to the Petition for Cancellation.

Response to Interrogatory No. 37: Registrant objects to Interrogatory No. 37 on the basis of Confidentiality, Scope, Burden and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 37 as follows:

All intellectual property, including but not limited to, trademarks, trade secrets, trade dress, goodwill, copyrights, know-how, customer lists, recipes, trade names, tax permits, rights of publicity, rights of privacy.

Discovery is continuing in this matter. Registrant has commenced a reasonable and diligent investigation into the facts concerning this matter and in an effort to discover and obtain relevant documents, this investigation and discovery are ongoing and has not been completed. Registrant has requested additional information and documents which have not yet been received from their accountants, agents and others. Registrant reserves the right to supplement these responses with additional information and documents should further investigation and inquiry enable them to do so.

INTERROGATORY NO. 38:

Since the Date of Use, describe Your role in the company GIOVANNI'S ALOHA SHRIMP including Your responsibilities, the approximate time spent attending to such responsibilities broken down by year.

Response to Interrogatory No. 38: Registrant objects to Interrogatory No. 38 on the basis of Confidentiality, Scope, Burden and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 38 as follows:

1994-1997 owner/operator of two mobile shrimp trucks on Ohau. Expedited sales, placed all orders for shrimp, garlic, etc. Picked up large orders from Sam's Club for all items on trucks; expedited orders from customers on truck; cooked and marinated shrimp; etc.

INTERROGATORY NO. 39:

Identify the person or persons in the employ of or associated in any manner with Respondent most knowledgeable with respect to the following:

- (a) The facts alleged in the Petition for Cancellation;
- (b) The facts alleged in the Answer;
- (c) Respondent's origination, selection, and adoption of the Marks at Issue;
- (d) Respondent's use and/or any periods of non-use of the Marks at Issue;
- (e) Respondent's sales and advertising of goods and/or services identified by the Marks at Issue;
- (f) Purchasers of Respondent's Goods/Services identified by the Marks at Issue; and
- (g) The marketing and distribution of goods and/or services identified by the Marks at Issue.

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Response to Interrogatory No. 39: Registrant objects to Interrogatory No. 39 on the basis of Confidentiality, Scope, Burden and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 39 as follows:

As to (a): Petitioner is in a better position to ascertain these facts. As to (b) - (g) Respondent and wife, Carol Aragona, are the only people with knowledge of any of the above.

INTERROGATORY NO. 40:

Describe with particularity the basis of the statement made by Jamie Pitts in Declaration for the applications for the Marks at Issue that “he/she believes the applicant to be the owner of the trademark/service mark sought to be registered” and “he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce” including any investigation and documents reviewed by Jamie Pitts and any consideration of disclosure of Petitioner.

Response to Interrogatory No. 40: Registrant objects to Interrogatory No. 40 on the basis of Privilege, Work Product, Confidentiality, Scope, Burden and Vagueness Objections.

INTERROGATORY NO. 41:

Identify the witnesses Respondent intends to call to testify on his behalf in connection with this proceeding and state the facts or subject matter concerning which they are each expected to testify.

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Response to Interrogatory No. 41: Registrant objects to Interrogatory No. 41 on the basis of Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 41 as follows:

None at this time. Registrant states that this Interrogatory is premature as discovery is still ongoing.

INTERROGATORY NO. 42:

Identify each person who had more than a clerical role in the preparation of responses to the foregoing interrogatories, and include in your response the number of each interrogatory in connection with which such person rendered such assistance.

Response to Interrogatory No. 38: Registrant objects to Interrogatory No. 42 on the basis of Scope, Burden, and Vagueness Objections. Subject to and without waiving such objections, Registrant responds that Carol Aragona assisted in preparing each of these Interrogatory Responses along with undersigned counsel. Carol Aragona may be contacted through undersigned counsel.

Date: October 16, 2013

AS TO OBJECTIONS,

s/Jamie N. Pitts/

Jamie N. Pitts

Florida Bar No. 72632

The Law Office of Jamie N. Pitts, Esq.

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(305) 777-1720— telephone
(305) 456-4922 – facsimile
e-mail: jrv@friedlandvining.com

Counsel for Registrant

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that the foregoing **REGISTRANT’S OBJECTIONS AND RESPONSES TO PETITIONER’S FIRST SET OF INTERROGATORIES** was served electronically upon Petitioners by delivering true and correct copies of same electronically and via U.S. Mail to counsel for Petitioners on October 16, 2013 as follows:

Jennifer Fraser
NOVAK DRUCE CONNOLLY BOVE & QUIGG LLP
1875 Eye Street, N.W.
Eleventh Floor
Washington, D.C. 20006

s/Jamie N. Pitts/

Jamie N. Pitts

VIA EMAIL ONLY

Re: LuckyU Enterprises v. John Aragona

Cancellation No. 92057023

Dear Ms. Fraser:

In response to Petitioner's October 28, 2013 request for supplementary responses to Petitioner's First Set of Interrogatories and Requests for Production of Documents in the above referenced matter, Registrant maintains the objections in its first response, disagrees with Petitioner's assertion of deficiency in the responses provided, and provides the following in an effort to avoid discovery disputes which are ancillary to ultimate resolution of this matter.

Subject to and incorporating its General Objections and its specific objections, Registrant responds as follows:

INTERROGATORY NO. 5:

State the dollar amount that Respondent has expended in advertising or promoting the products and/or services identified in the answer to Interrogatory No. 1, broken down into yearly expenditures since the Date of Use.

Response to Interrogatory No. 5:

Registrant incorporates the General Objections set forth above. Registrant objects to this interrogatory as overbroad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence, in that, among other things, Registrant has used and owned the mark for a period of almost twenty years.

Without waiving this objection, Registrant responds:

1993-94 No money expended - just opened truck on side of road, placed a fan in the window, and customers started coming; word of mouth advertising, food bloggers, customers, customers from Japan who ate at truck wrote articles in Japanese magazines

1994-95 Registrant self-promoted food items, was proactive and gave plates of shrimp and samples of sauces to local hotels, store fronts, neighbors, local business owners, etc.

1995-96 Set up of website \$250 by customer/friend who was in Navy. Paid \$5 per month for website hosting. Registrant self-promoted food and was proactive in giving plates of shrimp and samples of sauces to as many local hotels, stores, deli's, and local tourist shops

1996-97 Continued website advertising maintained at giosauces.com, paid approximately \$5 per month in website hosting fees, no other expenditures in advertising. Registrant continued self-promotions of food and was proactive in giving plates of shrimp and samples of sauces to as many local hotels, stores, deli's, and local tourists

1997-98 Continued website advertising maintained at giosauces.com, paid approximately \$5 per month in website hosting fees, no other expenditures in advertising. Registrant continued self-promotions of food and was proactive in giving plates of shrimp and samples of sauces to as many local hotels, stores, deli's, and local tourists; went to stores in Waikiki, downtown Honolulu, had sauces in William Sonoma and all commissaries at this time, trucks sold in November of 1997. Bottled sauces promoted through sales made to consumers at two trucks sold to Troy Nitsche

1998-99 Start of bottling company, continued website advertising maintained at giosauces.com, paid approximately \$5 per month in website hosting fees, no other expenditures in advertising. Registrant continued self-promotions of food and was proactive in giving plates of shrimp and samples of sauces to as many local hotels, stores, deli's, and local tourists. Bottled sauces promoted to consumers of two trucks sold to Troy Nitsche. In 1999, scampi marinade won first place for Cook-it-up Pasta at the food industry's Scovie Awards. Press Releases in Honolulu Star Bulletin article on Scampi and Hot & Spicy Sauces

1999-2000 Continued website advertising maintained at giosauces.com, paid approximately \$5 per month in website hosting fees, no other expenditures in advertising. Registrant continued self-promotions of food and was proactive in giving plates of shrimp and samples of sauces to as many local hotels, stores, deli's, and local tourists. Bottled sauces promoted to consumers of two trucks sold to Troy Nitsche. Promoted hot sauce by placing second at the Scovie Awards. Press Release in Honolulu Star-Bulletin, on March 3, 1999 "Hot Stuff! Local sauces win top awards"

2000-2001 Continued website advertising maintained at giosauces.com, paid approximately \$5 per month in website hosting fees.

Promotion at a Harley-Davidson two-week-long event in Sturgis, S.D., cost \$2-4,000

Registrant continued self-promotions of food and was proactive in giving plates of shrimp and samples of sauces to as many local hotels, stores, deli's, and local tourists. Bottled sauces promoted to consumers of two trucks sold to Troy Nitsche. No Cost.

Promoted in Chili Pepper Magazine as voted No. 1 fiery food in the country by and voted second place overall in the People's Choice Awards. No Cost. No Cost.
Press Release in Rapid City Journal on August 5, 2001, "Rally eats eclectic treats"
Press Release in Pacific Business News June 29, 2001, "Retail on wheels- Catering to hunger in a hurry"

2001-2002 Continued website advertising maintained at giosauces.com, paid approximately \$5 per month in website hosting fees, no other expenditures in advertising.

2002-2003 Continued website advertising maintained at giosauces.com, paid approximately \$5 per month in website hosting fees, no other expenditures in advertising.
Link to giosauces.com website featured on Family Foods, Inc.'s website at <http://www.familyfoodhawaii.com/html/links.html>

2003-2004 Continued website advertising maintained at giosauces.com, paid approximately \$5 per month in website hosting fees, no other expenditures in advertising.
Link to giosauces.com Website featured on Family Foods, Inc.'s website
Link to giosauces.com website featured on Family Foods, Inc.'s website at <http://www.familyfoodhawaii.com/html/links.html>

2004-2005 Continued website advertising maintained at giosauces.com, paid approximately \$5 per month in website hosting fees, no other expenditures in advertising.
Link to giosauces.com website featured on Family Foods, Inc.'s website at <http://www.familyfoodhawaii.com/html/links.html>

2005-2006 Continued website advertising maintained at giosauces.com, paid approximately \$5 per month in website hosting fees, no other expenditures in advertising.
Link to giosauces.com website featured on Family Foods, Inc.'s website at <http://www.familyfoodhawaii.com/html/links.html>

2006-2007 Continued website advertising maintained at giosauces.com, paid approximately \$5 per month in website hosting fees, no other expenditures in advertising.

2007-2008

2008-2009

2009-2010 Website created giovanissauces.com \$1,500
Hosting \$14.95 per month

2010-2011 \$884.80 hosting and website changes

2011-2012 \$591 hosting website
\$840 Summer Fancy Food Show Advertising in Gourmet Business News
\$519.59 Print Materials (Post Cards, Press Releases, Business Cards
\$13,691 2012 Fancy Food Show Expenses

2012-2013 \$200 web hosting
 \$600 Facebook general advertising
 \$100/month The Waiting Game (magazine distributed in print locally,
 regionally, and online)
 \$575 other print advertising

Print Materials (Post Cards, Press Releases, Business Cards): \$817

Tradeshows, Conventions, and Charity Events: : \$1211.20

Vendor: County Fair Charity Event, Ana Maria Island

Vendor: The Great American Event, Holmes Beach

In-store demonstrations and product sampling promotions:

Publix, Whole Foods, Trader Joes, and Fresh Market approx. \$500

Discovery is continuing in this matter. Registrant has commenced a reasonable and diligent investigation into the facts concerning this matter and in an effort to discover and obtain relevant documents, this investigation and discovery are ongoing and has not been completed. Registrant has requested additional information and documents which have not yet been received from their accountants, agents and others. Registrant reserves the right to supplement these responses with additional information and documents should further investigation and inquiry enable them to do so.

INTERROGATORY NO. 6:

State the dollar amount that Respondent has earned in revenue selling the products and/or services identified in the answer to Interrogatory No. 1.

Response to Interrogatory No. 6:

Registrant incorporates the General Objections set forth above. Registrant objects to this interrogatory as overbroad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence, in that, among other things, Registrant has used and owned the mark for a period of almost twenty years. Requiring such an effort to locate records from which a response might be drawn, if any exist, over such a long time-period

is unreasonable. Revenues in the distant past are not relevant to the matters at issue and are not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these objections, Registrant is presently able to provide the following information to the best of its knowledge:

Mark: Sales Revenue in \$
GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK: \$270,000
GIOVANNI'S ALOHA FOODS: \$32,443
GIOVANNI'S SCAMPI MARINADE: \$121,322
GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE: \$53,722

As Registrant no longer has access to Giovanni's Aloha Shrimp or Giovanni's Aloha Foods, LLC business records, nor the information contained within them, the numbers included above are estimates provided to the extent of Registrant's knowledge and based on information currently available to Registrant.

Discovery is continuing in this matter. Registrant has commenced a reasonable and diligent investigation into the facts concerning this matter and in an effort to discover and obtain relevant documents, this investigation and discovery are ongoing and has not been completed. Registrant has requested additional information and documents which have not yet been received from their accountants, agents and others. Registrant reserves the right to supplement these responses with additional information and documents should further investigation and inquiry enable them to do so.

INTERROGATORY NO. 9:

Identify the number of units or bottles of hot sauce and marinade sold for each year under the Marks at Issue since the Date of Use.

Response to Interrogatory No. 9: Registrant incorporates the General Objections set forth above. Registrant objects to this interrogatory as overbroad, burdensome and not

reasonably calculated to lead to the discovery of admissible evidence, in that, among other things, Registrant has used and owned the mark for a period of almost twenty years. Further, the majority of this information has either been transferred to Petitioner's sole possession, or which Registrant no longer has access.

Subject to and without waiving such objections, Registrant responds to Interrogatory No. 9 as follows:

Sales made by Giovanni's Aloha Shrimp from 1994 to present date:

Registrant no longer has access to the information related to revenue from sales of hot sauce and marinades needed to answer this Interrogatory accurately and completely. Documents which contain information related to revenue from sales made in the years 1994-1997 are the business records of Giovanni's Aloha Shrimp, including documents such as receipts, invoices, sales orders, account statements, checking account records from First Hawaiian Bank in Haliwaa, and the like. Documents dating from 1994-1997 were transferred to Petitioner's sole custody in 1997 when Petitioner took possession of the on-going shrimp-truck business. Registrant has never had access to business records that would show information as to the revenue earned by Giovanni's Aloha Shrimp from 1997 through present date, but would assume such information can be found in similar documents. The responsive information from the years 1994-present date were last known to be located in hard-copy files in file cabinets and electronic files on computer(s) maintained at the business office address in Hawaii.

Sales made by Giovanni's Aloha Foods, LLC from 1999 to date:

From the date Petitioner invested in Giovanni's Aloha Foods, LLC on October 15, 1999, through the most recent date of business operations, Petitioner has had access to all of Giovanni's Aloha Foods, LLC company business records, including documents which contain information related to revenue from sales of hot sauce and marinades. Registrant no longer has access to Giovanni's Aloha Foods, LLC business records, nor the information contained within.

As Registrant no longer has access to Giovanni’s Aloha Shrimp or Giovanni’s Aloha Foods, LLC business records, nor the information contained within them, the numbers included below are estimates provided to the extent of Registrant’s knowledge and based on information currently available to Registrant.

Estimates on Sales:

1999-2005	200 gallons of scampi per month 100 gallons of hot sauce per month 360 bottles per month commissaries on Oahu, 100-500 bottles per month to Williams Sonoma, Family Foods, Inc., The Compleat Kitchen, Pat's Island Delights, and other specialty stores downtown Honolulu
2008-2009	
2009-2010	420 units Scampi Marinade; 480 units Hot Sauce = 900 total units
2011-2012	1512 Scampi Marinade; 1520 Hot Sauce = 3032 total units
2012-2013	948 units Scampi Marinade, 252 units Hot Sauce = 1200 total units
2013	359 units

Discovery is continuing in this matter. Registrant has commenced a reasonable and diligent investigation into the facts concerning this matter and in an effort to discover and obtain relevant documents, this investigation and discovery are ongoing and has not been completed. Registrant has requested additional information and documents which have not yet been received from their accountants, agents and others. Registrant reserves the right to supplement these responses with additional information and documents should further investigation and inquiry enable them to do so.

INTERROGATORY NO. 16:

State whether Respondent has or had received any opinion regarding the availability of Respondent’s Marks for use and/or registration, and identify all documents relating thereto, including but not limited to all searches, studies, investigations, or surveys.

Response to Interrogatory No. 16: Registrant objects to Interrogatory No. 16 on the basis of Privilege, Work Product, Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 16 as follows:

Registrant has not received any opinion regarding the availability of Respondent's Marks for use and/or registration.

There are no responsive, non-privileged documents in Registrant's possession, custody or control, as of the date of these supplemental responses. Registrant will produce such documents if and when they come into his possession, custody or control.

INTERROGATORY NO. 17:

Identify all licensees of Respondent of the Marks at Issue, including any entity that has any type of permission to use the Marks at Issue and the dates for which such permission was provided.

Response to Interrogatory No. 17: Registrant objects to Interrogatory No. 17 on the basis of Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 17 as follows:

Petitioner is a licensee of Respondent of the Marks at Issue, permission to use the Marks at Issue started on the following dates:

GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK: 1997

GIOVANNI'S ALOHA FOODS: 2000

GIOVANNI'S SCAMPI MARINADE: 1997

GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE: 1997

INTERROGATORY NO. 21:

Describe with particularity the business relationship between You and Connie Aragona, including if You have an ongoing business relationship and the date any business relationship ended between You and Connie Aragona.

Response to Interrogatory No. 21: Registrant objects to Interrogatory No. 21 on the basis of Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 21 as follows:

Respondent has no ongoing business relationship with Connie Aragona. Day-to-day communications ended in 2001. Business relationship prior-to 2001:

Kahuku truck was first to open. Start prep together which was marinating shrimp, etc. John went to Sam's Club for product, went downtown to pick up shrimp and bring to Kahuku and Haleiwa. Connie worked window at Kahuku truck during this time while John delivered to Haleiwa first. He got employees set up left to go to Kahuku where Connie and John worked the window cooking shrimp and switching back and forth. Both Connie and John interacted with customers, until 7 pm every day. At night they collaborated on what products were used, what was needed from Sam's Club, and other vendors.

INTERROGATORY NO. 22:

Describe the circumstances surrounding any transfer of ownership of the Marks at Issue between You and Connie Aragona to You, including the date and terms of any agreement.

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Response to Interrogatory No. 22: Registrant objects to Interrogatory No. 22 on the basis of attorney-client privilege, the work product doctrine, confidentiality, scope and vagueness objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 22 as follows:

Ownership was transferred during Registrant and Connie Aragona's divorce in 2000. The Aragona's divorce decree awarded each party those securities and assets titled in their individual names alone. The Marks at issue were registered in only Registrant's name.

There are no responsive, non-privileged documents in Registrant's possession, custody or control, as of the date of these supplemental responses. Registrant will produce such documents if and when they come into his possession, custody or control.

Discovery is continuing in this matter. Registrant has commenced a reasonable and diligent investigation into the facts concerning this matter and in an effort to discover and obtain relevant documents, this investigation and discovery are ongoing and has not been completed. Registrant has requested additional information and documents which have not yet been received from their accountants, agents and others. Registrant reserves the right to supplement these responses with additional information and documents should further investigation and inquiry enable them to do so.

INTERROGATORY NO. 26:

Describe the circumstances underlying the creation of the photographs used as specimens for the statement of use in Registration Nos. 4,220,686 and 4,232,569 including the name of the photographer(s), the date(s) taken, and the location(s) where taken.

Response to Interrogatory No. 26: Registrant objects to Interrogatory No. 26 on the basis of Confidentiality, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 26 as follows:

Respondent took these photos in Hawaii while monitoring the Shrimp Truck between the dates of Jan. 13, 2011 and Jan. 23, 2011. Registrant's American Express E-Ticket from this trip is attached as "Exhibit A."

INTERROGATORY NO. 29:

Describe with particularity the circumstances surrounding Respondent's transfer of marinade and/or hot sauce recipes to Petitioner, including the date and reason(s) behind the transfer.

Response to Interrogatory No. 29: Registrant objects to Interrogatory No. 29 on the basis of Confidentiality, Scope, Burden and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 29 as follows:

Registrant came into possession of the document produced and attached hereto as "Exhibit B" October 15, 2013, the day before Registrant's discovery responses were initially due. Although included in the documents produced, Registrant's written Response to Interrogatory No. 29 was not revised in order to accurately reflect the information contained in this document response to this request.

Following execution the 1997 Asset Purchase Agreement, written copies of the recipes were kept in the possession of Alex Sonson, the attorney who drafted the Agreement. As the shown in the attached Giovanni's Aloha Shrimp, LLC Operating Agreement, the recipes were first transferred to Giovanni's Aloha Shrimp, LLC. On October 14th 1999, Troy Nitsche purchased an ownership interest in Giovanni's Aloha Shrimp, LLC, which included an ownership interest in the recipes owned by the LLC. Petitioner obtained copies of the written recipes at some point following execution of the October 14th 1999 Operating Agreement. Respondent's transfer of the marinade and hot sauce recipes to Petitioner was subject to a written non-disclosure agreement.

The non-disclosure agreement, or other similar related documents, are not in Registrant's possession, custody or control, as of the date of these supplemental responses. Registrant will produce such documents if and when they come into his possession, custody or control. Registrant is also unaware of any additional facts related to the circumstances surrounding the transfer. Registrant will supplement its response to this Interrogatory if and when additional facts related to the circumstances surrounding the transfer become known to Registrant.

Discovery is continuing in this matter. Registrant has commenced a reasonable and diligent investigation into the facts concerning this matter and in an effort to discover and obtain relevant documents, this investigation and discovery are ongoing and has not been completed. Registrant has requested additional information and documents which have not yet been received from their accountants, agents and others. Registrant reserves the right to supplement these responses with additional information and documents should further investigation and inquiry enable them to do so.

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INTERROGATORY NO. 33:

Identify all documents relating to the subject matter of the foregoing interrogatories and the preparation of Respondent's responses thereto.

Response to Interrogatory No. 33: Registrant objects to Interrogatory No. 33 on the basis of Privilege, Work Product, Confidentiality, Undue Burden, Overbroad, Scope and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 33 as follows:

There are no responsive, non-privileged documents in Registrant's possession, custody or control, as of the date of these supplemental responses. Registrant will produce such documents if and when they come into his possession, custody or control.

Discovery is continuing in this matter. Registrant has commenced a reasonable and diligent investigation into the facts concerning this matter and in an effort to discover and obtain relevant documents, this investigation and discovery are ongoing and has not been completed. Registrant has requested additional information and documents which have not yet been received from their accountants, agents and others. Registrant reserves the right to supplement these responses with additional information and documents should further investigation and inquiry enable them to do so.

INTERROGATORY NO. 35:

Identify any vehicles owned by You in connection with providing Respondent's Goods/Services and the dates You owned such vehicles.

Response to Interrogatory No. 35: Registrant objects to Interrogatory No. 35 on

the basis of Confidentiality, Scope, Burden and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 35 as follows:

1993 Red Nissan truck (1989) with Giovanni Shrimp sign on side
Purchased 1953 Chevy truck for Kahuku opening
1995 Dodge Dakota. Also had a magnetic sign for Giovanni's Shrimp
Purchased truck for Haleiwa - don't remember the exact years it was in use.
1997 Purchased Cadillac Fleetwood Brougham
2000 Purchased 1997 Mercedes Benz
2004 Purchased Chevy Monte Carlo
2008-Present date Mercedes 350E
2010-Present date Leased GMC Acadia truck

Discovery is continuing in this matter. Registrant has commenced a reasonable and diligent investigation into the facts concerning this matter and in an effort to discover and obtain relevant documents, this investigation and discovery are ongoing and has not been completed. Registrant has requested additional information and documents which have not yet been received from their accountants, agents and others. Registrant reserves the right to supplement these responses with additional information and documents should further investigation and inquiry enable them to do so.

INTERROGATORY NO. 36:

Identify all business locations where Respondent's Goods/Services are manufactured, sold and/or provided and the owner and lessor of the property and the dates when the locations were used.

Response to Interrogatory No. 36: Registrant objects to Interrogatory No. 36 on

the basis of Confidentiality, Scope, Burden and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 36 as follows:

2 trucks - one on Kam Highway in Haleiwa; one on Kam Highway, Kahuku, HI

Sauces were bottled by the following:

Hagerty Foods- 1997- Last Date Unknown

Palmetto Canning- June 2008

Hot Wachula's, Inc.- Starting June 2010

Bodine Etc. Specialty Foods- September 2011- Present

Discovery is continuing in this matter. Registrant has commenced a reasonable and diligent investigation into the facts concerning this matter and in an effort to discover and obtain relevant documents, this investigation and discovery are ongoing and has not been completed. Registrant has requested additional information and documents which have not yet been received from their accountants, agents and others. Registrant reserves the right to supplement these responses with additional information and documents should further investigation and inquiry enable them to do so.

INTERROGATORY NO. 38:

Since the Date of Use, describe Your role in the company GIOVANNI'S ALOHA SHRIMP including Your responsibilities, the approximate time spent attending to such responsibilities broken down by year.

Response to Interrogatory No. 38: Registrant objects to Interrogatory No. 38 on the basis of Confidentiality, Scope, Burden and Vagueness Objections. Subject to and without waiving such objections, Registrant responds to Interrogatory No. 38 as follows:

- 1993 Registrant was in charge of researching a location to open up mobile truck. Purchased 1953 Chevy truck and prepared truck (build out) for proper food distribution.
- Prepared menu and trained staff
- Researched where to buy shrimp
- Researched where to buy garlic, lemons, peppers for hot sauce, etc.
- Obtained proper kitchen permits and inspections
- 16 hours a day, seven days a week

- 1994 Ran the day to day operation of the truck; taking inventories of supplies needed, cooking, delivering free plates to advertise truck,
16 hour days, seven days a week
- 1995 Again researched and bought truck for Haleiwa location.
Set up new employees and schedules for working hours
Prepared menu and trained staff
16-18 hour day, seven days a week
- 1996 Ran operation for both trucks, continued delivery of shrimp
Researched additional venues and possibility of franchising. Had discussions with Goodrich
12 hour days, seven days a week
- 1997 Looked into opening bottling company, in addition to running operation of both trucks
12 hour days, seven days a week
- 1998 Purchased domain name Giosauces.com 5-31-1998; helped to create website;
Trucks were sold, and invested time in bottling company and supplying trucks with sauces.
Bottled own sauces, and investigated various specialty stores and continued to supply commissaries
12 hour days, seven days a week
- 1999 Continued to bottle sauces and pursue specialty stores and supply commissaries
12 hour days, seven days a week
- 2000 Continued to bottle sauces and pursue specialty stores and supply commissaries
12 hour days, seven days a week
- 2001 Began research in Staten Island Borough President's office for land acquisition at Home Port for possible truck location in NY
1-3 hours on two-three days per month
- 2002 Continued to research in Staten Island Borough President's office for land acquisition at Home Port for possible truck location in NY
- 2003 Website domain name renewed by John Aragona May 31, 2003, continued to monitor and maintain through May 31, 2006, 1-3 hours per month
Continued to research in Staten Island Borough President's office for land acquisition at Home Port for possible truck location in NY, discussed opening trucks in NY with personal accountant Lou Cannizzaro, several meetings, and lunches, 3 time, 12-15 hours
- 2004 Researched South Street Seaport for possible truck location, Two days, 10 hours
Actively pursued franchising and licensing its Marks to third parties, 3-6 hours monthly
- 2005 Continued to research in Staten Island Borough President's office for land acquisition at Home Port for possible truck location in NY, continued to actively research and pursue various franchise and licensing opportunities 3-6 hours monthly
- 2006 Continued to research in Staten Island Borough President's office for land acquisition at Home Port for possible truck location in NY, continued to actively research and pursue various franchise and licensing opportunities 3-6 hours monthly

- 2007 Continued to research in Staten Island Borough President's office for land acquisition at Home Port for possible truck location in NY, continued to actively research and pursue various franchise and licensing opportunities 3-6 hours monthly
- 2008 Jan. 2008 Registrant seeks advice from Attorney Saccoccio to Register trademarks with USPTO and to obtain status of non-compete, 5 hours
Begin Process to start bottling through Palmetto Canning on 6/16/2008, 20 hours
Researched and visited Palmetto Canning Company in Florida, 10 hours
- 2009 Met with possible advertising and set-up company (broker) to begin online bottling, 5 hours; met with Gourmet Business Solutions to begin process to start bottling through Gourmet Business Solutions 2009, 20 hours
- 2010 May 2010 goes to Attorney Sonson for a copy of the APA and Amendment to review the terms of his non-compete; purchased giovannisalohashrimp.com and giovannissauces.com domain names and re-purchased giosauces.com on 5/18/10; and helped create website, work on logos, labels, researched bottlers; Began working with Bay Tech Label; 6/8/10 began work with bottler Hot Wachula's, Inc.,
4 hours per day, 5 days per week
- 2011 Continued to research bottlers, tastings, etc. Aug. 2011 work to get Barcodes Assigned; started working with bottler Bodine Etc. Specialty Foods- September 2011
- 2012 Prepared for and exhibited at Fancy Food Show in DC; 6/11/12 Whole Foods Demo; set up Advertising in Gourmet Business News, performed in-store demonstrations and product sampling promotions in Publix, Whole Foods, Trader Joes, and Fresh Market
6 hours per day, 5 days per week
- 2013 Fresh Farms Display, 5/3/2013
Re-purchased giosauces.com domain name on June 12, 2013.
Attended National Gift Basket Convention, Orlando, FL
Vendor: The Great American Event, Holmes Beach
Vendor: County Fair Charity Event, Ana Maria Island
6 hours per day, 5 days per week

Discovery is continuing in this matter. Registrant has commenced a reasonable and diligent investigation into the facts concerning this matter and in an effort to discover and obtain relevant documents, this investigation and discovery are ongoing and has not been completed. Registrant has requested additional information and documents which have not yet been received from their accountants, agents and others. Registrant reserves

the right to supplement these responses with additional information and documents should further investigation and inquiry enable them to do so.

INTERROGATORY NO. 40:

Describe with particularity the basis of the statement made by Jamie Pitts in Declaration for the applications for the Marks at Issue that “he/she believes the applicant to be the owner of the trademark/service mark sought to be registered” and “he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce” including any investigation and documents reviewed by Jamie Pitts and any consideration of disclosure of Petitioner.

Response to Interrogatory No. 40: Registrant objects to Interrogatory No. 40 on the basis of Privilege, Work Product, Confidentiality, Scope, Burden and Vagueness Objections.

Jamie N. Pitts, Esq.
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Florida Bar No. 72632
The Law Office of Jamie N. Pitts, Esq.
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(941) 893-7751– telephone
(855) 224-7819– facsimile
email: jamienpitts@jnplawfirm.com
Counsel for Registrant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing SUPPLEMENT TO REGISTRANT'S OBJECTIONS AND RESPONSES TO PETITIONER'S FIRST SET OF INTERROGATORIES was served electronically upon Petitioners by delivering true and correct copies of same electronically to counsel for Petitioners on November 20th 2013 as follows:

Jennifer Fraser

NOVAK DRUCE CONNOLLY BOVE & QUIGG LLP

1875 Eye Street, N.W.

Eleventh Floor

Washington, D.C. 20006

s/Jamie N. Pitts/

Jamie N. Pitts

EXHIBIT A



Your trip details

Know Before You Go

- Print this page and keep for your records.
- Read the [policies](#).
- Contact us immediately if any issues arise with your reservation before or during your trip.

Note: We sent a confirmation message to the email address you provided (caroleann@tampabay.rr.com).

Your American Express Travel Trip ID is: 3006 1417 7442

Your phone number for this trip: 516-972-1225

This is an e-ticket, so no paper ticket will be mailed to you. [What is an e-ticket?](#)

Please note: Seat requests are not guaranteed and may be changed by the airline. In addition, [flight schedules](#) may be changed by the airline.

Itinerary

Primary Contact: Carol Aragona

For questions about this itinerary, call 800-297-2977

Travel Tools:

[Online flight check-in](#) | [Look up flight status](#)

Flight: 2 Round-Trip Tickets

All flight times are local to each city.

For your boarding pass, use reference code CZ0K7C for [online](#) or airport check-in.

Thu, Jan 13, 2011

Depart: 08:13am

Arrive: 09:25am

Tampa International Airport (TPA) to Honolulu International Airport (HNL)

Tampa, FL (TPA) to

Houston, TX (IAH)

Continental Airlines

Flight 1507 (on Boeing 737-800)

Confirmation #: CZ0K7C

Requested Seats: 22D, 22C

1 Stop - change planes in Houston, TX (IAH)

Connection Time: 2 hrs 20 mins

Depart: 11:45am

Arrive: 04:10pm

Houston, TX (IAH) to

Honolulu, HI (HNL)

United

Flight 3977 operated by Continental

Airlines (on Boeing 767)

Confirmation #: N2K59R

Requested Seats: 19B, 19A

Total Travel Time: 12 hrs 57 mins

For your boarding pass, use reference code N2K59R for [online](#) or airport check-in.

Sun, Jan 23, 2011

Depart: 01:45pm

Arrive: 09:05pm

Honolulu International Airport (HNL) to Tampa International Airport (TPA)

Honolulu, HI (HNL) to

Los Angeles, CA (LAX)

United

Flight 82 (on Boeing 767-300)

Confirmation #: N2K59R

Requested Seats: 22J, 22H

1 Stop - change planes in Los Angeles, CA (LAX)

Connection Time: 1 hr 25 mins

Depart: 10:30pm

Arrive: 06:04am

Next day

Los Angeles, CA (LAX) to

Tampa, FL (TPA)

Delta Air Lines

Flight 2904 (on Airbus A320-100/200)

Confirmation #: DP2PSP

Requested Seats: 12D, 12C

Total Travel Time: 11 hrs 19 mins

Passenger Name

John ARAGONA

Carol Aragona

Frequent Flyer Information

You can add your frequent flyer number at the airport.

2290726161, 03232238053

United Mileage Plus

800-864-8331

Carol: HFC71366

John: KX185933

16,219

United Conf #
GP296F

EXHIBIT B

LIMITED LIABILITY COMPANY MEMBER AGREEMENT

JOHN ARAGONA, CONNIE ARAGONA, JAMES GOODRICH, DIANE WONG, and TROY NITSCHKE, the below signed hereby enter into this Member Agreement on behalf of themselves, their heirs, successors and assigns, and set forth following terms and conditions as constituting the Member Agreement in its entirety:

1. The Limited Liability Company (LLC) shall go by the following name: Giovanni's Aloha Foods, LLC.
2. The LLC's principle place of business shall be in the State of Hawaii.
3. The first day that the LLC shall begin business is September 15, 1999, and it will continue in business until a majority of the members agree to terminate it or until forced by law to cease operations.
4. The LLC's operations shall be primarily in the following field or area:
The manufacture and sale of the LLC's bottled sauces and bottling of third party products. It is understood by all members that John and Connie Aragona may, at their discretion, operate a catering service from the LLC's place of business. The catering service will have no affiliation with the LLC. All profits, and any liabilities, associated with the catering service belong solely to John and Connie Aragona.
5. The following member contributions, ownership interests, and voting rights in the LLC shall apply:
There are five (5) ownership interests in the LLC, as follows:
John Aragona and Connie Aragona, having contributed their sauce recipes, existing business contracts, and certain production equipment valued at Fifteen Thousand Dollars (\$15,000.00), shall each be entitled to an ownership interest of twenty-five (25%) for a total ownership interest of fifty percent (50%) of the LLC.

James Goodrich and Diane Wong, having contributed Three Thousand Dollars (\$3,000.00) cash, their business expertise, and legal services, shall each be entitled to an ownership interest of twelve and one-half percent (12.5%) for a total of twenty-five percent (25%) of the LLC.

Troy Nitsche, having contributed the sum of One Hundred Thousand Dollars (\$100,000.00) cash shall be entitled to an ownership interest of twenty-five percent (25%) of the LLC.

There are three voting interests in the LLC, as follows:

John Aragona and Connie Aragona, as one entity for voting purposes, shall be entitled to collectively cast ONE (1) vote. Should there be disagreement between John Aragona and Connie Aragona as to a voting decision, the vote cast by John Aragona shall be binding as to both parties.

James Goodrich and Diane Wong, as one entity for voting purposes, shall be entitled to collectively cast ONE (1) vote. Should there be disagreement between James Goodrich and Diane Wong as to a voting decision, the vote cast by James Goodrich shall be binding as to both parties.

Troy Nitsche, as one entity for voting purposes, shall be entitled to cast ONE (1) vote.

6. The IRS's general allocation rule shall apply, and gains and losses shall be allocated according to the % of total capital contributed by each member as set out in paragraph #5 above.

7. Profits and losses shall be allocated according to the same percentage of ownership interests set forth in paragraph #5 above.

8. Salary for the services rendered by any member shall be determined by unanimous approval of the members.

9. Control and management of the LLC shall be in accordance with the following:

John Aragona and Connie Aragona shall be responsible for the day-to-day management of the LLC. They shall have the right to make all day-to-day decisions regarding the operation of the LLC. However, any decision to purchase additional equipment, hire employees, increase salaries or benefits of employees, or expense LLC funds exceeding Two Thousand Dollars (\$2,000.00) requires majority approval. Expenditure of funds exceeding Five Thousand Dollars (\$5,000.00), or acquisition of any debt by the LLC which exceeds Five Thousand Dollars (\$5,000.00) requires unanimous approval.

10. The members designate the following as the LLC's business checking account into which all the funds of the LLC shall be placed and maintained:

First Hawaiian Bank, Account No. 26-035295

11. Adequate accounting records shall be made and maintained. Any member, or his/her agent, may review any and all accounting or other records at anytime. Any costs of inspection shall be paid by the individual member seeking the review. However, with majority approval any costs incurred by such review shall be paid by the LLC.

12. Accounting records and books shall be kept on a cash basis and the fiscal year shall begin on the 1st day of January and shall end 31st day of December.

13. The LLC shall dissolve upon the retirement, death or incapacity of any member unless the remaining members, or any individual member, elect(s) the option of buying out that member's share. If so elected, the LLC shall be valued by submission to arbitration with GAMA, Inc., according to reasonable accounting and valuation principles, and as set forth in paragraph #15 below. The finding of the arbitrator as to the value of the LLC shall be final and binding upon the members, their heirs, successors, and assigns. Upon the issuance of this finding, the remaining members shall have sixty (60) days to buy out the previous member's share. Should more than

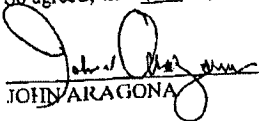
one remaining member desire to buy this share, the share shall be split evenly between the same.


14. Upon termination or dissolution of the LLC, the LLC will be promptly liquidated, with all debts being paid first, prior to any distribution of the remaining funds. To the extent any funds remain, distribution of the remaining funds shall be made according to the following:

First paid shall be Troy Nitsche, in an amount equal to his initial \$100,000.00 contribution to the LLC. Any remaining funds shall then be distributed according to the percentage of ownership as set out in paragraph #5 above.

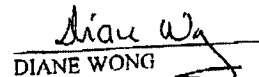
15. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled by arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association, and judgement upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

So agreed, this 14th day of October, 1999.


JOHN ARAGONA


CONNIE ARAGONA


TROY NITSCHÉ


DIANE WONG


JAMES GOODRICH

Exhibit 8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Registration No. 4,220,686
Mark: GIOVANNI'S ALOHA FOODS
Registration date: October 9, 2012

In the matter of Trademark Registration No. 4,224,400
Mark: GIOVANNI'S SCAMPI MARINADE
Registration date: October 16, 2012

In the matter of Trademark Registration No. 4,232,569
Mark: GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK
Registration date: October 30, 2012

In the matter of Trademark Registration No. 4,248,595
Mark: GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE
Registration date: November 27, 2012

LukcyU Enterprises, Inc., dba Giovanni's
Original White Shrimp Truck

Petitioner,

v.

John "Giovanni" Aragona

Respondent.

Cancellation No. 92057023

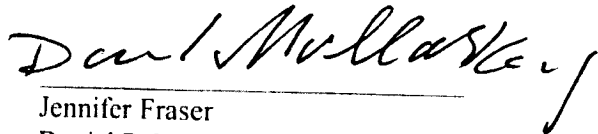
**STIPULATIONS REGARDING
CERTAIN EVIDENCE ATTESTED TO IN THE TRADEMARK APPLICATIONS**

Pursuant to Trademark Rule 2.123(b) and TBMP § 705, Petitioner and Respondent,
through their undersigned attorneys, hereby stipulate and agree to the following:

1) Respondent stipulates that all of the information in the applications for the
registrations at issue was provided by John Aragona to his attorney and application signatory,

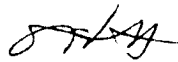
Jamie Pitts. Jamie Pitts signed declaration reflects only the knowledge that she received directly from John Aragona.

Date: June 30, 2014



Jennifer Fraser
Daniel P. Mullarkey
Novak Druce Connolly + Quigg LLP
1875 Eye Street, NW, 11th Floor
Washington, DC 20006
Attorneys for Petitioner

Date: June 30, 2014



Digitally signed by Jamie Pitts
DN: cn=Jamie Pitts, o=ou,
email=jamienpitts@gmail.com, c=US
Date: 2014.06.30 12:49:59 -04:00

Jamie N. Pitts
The Law Office of Jamie N. Pitts, Esq.
3440 Wood Thrush Dr., St. 341
Punta Gorda, FL 33950
Attorney for Respondent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Registration No. 4,220,686
Mark: GIOVANNI'S ALOHA FOODS
Registration date: October 9, 2012

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LukcyU Enterprises, Inc., dba Giovanni's
Original White Shrimp Truck

Petitioner,

v.

John "Giovanni" Aragona

Respondent.

Cancellation No. 92057023

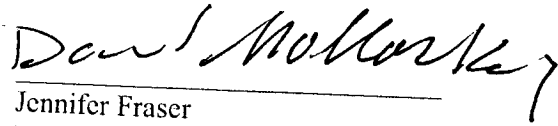
STIPULATIONS REGARDING
INTRODUCTION OF EVIDENCE

Pursuant to Trademark Rule 2.123(b) and TBMP § 705, Petitioner and Respondent,
through their undersigned attorneys, hereby stipulate and agree to the following:

- 1) The parties stipulate to the authenticity of the third-party emails produced in discovery
Respondent to date in this proceeding. The parties reserve the right to all other objections to

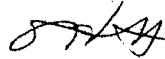
the documents.

Date: June 30, 2014



Jennifer Fraser
Daniel P. Mullarkey
Novak Druce Connolly + Quigg LLP
1875 Eye Street, NW, 11th Floor
Washington, DC 20006
Attorneys for Petitioner

Date: June 30, 2014



Digitally signed by Jamie Pitts
DN: cn=Jamie Pitts, o=D.A. e=jamie@pitsoffice.com, c=US
Date: 2014.06.30 12:49:11 -0400

Jamie N. Pitts
The Law Office of Jamie N. Pitts, Esq.
3440 Wood Thrush Dr., St. 341
Punta Gorda, FL 33950
Attorney for Respondent

Exhibit 9



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

Mar 21, 2012

NOTICE OF ABANDONMENT

TM117

LUCKYU ENTERPRISES, INC.
LUCKYU ENTERPRISES, INC.
57-120 LALO KUILIMA WAY APT 12
KAHUKU, HI 96731-2122

ATTORNEY
REFERENCE
NUMBER:

SERIAL NUMBER: 85/201283
MARK: GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK
APPLICANT: LuckyU Enterprises, Inc.

THE ABOVE IDENTIFIED TRADEMARK APPLICATION WAS ABANDONED
IN FULL ON 02/27/2012 FOR THE FOLLOWING REASON:

NO RESPONSE TO THE OFFICE ACTION MAILED ON 08/24/2011 WAS RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO) WITHIN THE SIX-MONTH RESPONSE PERIOD. (15 U.S.C. 1062(b); TRADEMARK RULE 2.65(a)). YOU MAY VIEW THE OFFICE ACTION THROUGH TRADEMARK DOCUMENT RETRIEVAL (TDR) AVAILABLE AT <http://tportal.uspto.gov/external/portal/tow>.

YOU CAN REQUEST REINSTATEMENT OF THE APPLICATION FOR NO FEE IF:

- * YOU HAVE PROOF THAT YOUR RESPONSE WAS RECEIVED IN THE USPTO ON OR BEFORE THE DUE DATE - SUCH AS A POSTCARD WITH A USPTO MAILROOM DATE STAMP; OR,
- * YOU MAILED OR FAXED THE RESPONSE ON OR BEFORE THE DUE DATE WITH A CERTIFICATE OF MAILING OR FACSIMILE TRANSMISSION, IN ACCORDANCE WITH USPTO RULE 2.197, 37 CFR SEC. 2.197.

YOU MUST SUBMIT A COPY OF THE PREVIOUSLY SUBMITTED TIMELY RESPONSE WITHIN 2 MONTHS OF THE DATE PRINTED AT THE TOP OF THIS NOTICE ALONG WITH ONE OF THE TYPES OF PROOF SET OUT ABOVE. YOU MAY FAX THIS INFORMATION TO 571-273-8950.

IF YOU DO NOT HAVE THE PROOF NECESSARY FOR REINSTATEMENT, YOU CAN FILE A PETITION TO REVIVE THROUGH THE TRADEMARK ELECTRONIC APPLICATION SYSTEM (TEAS) AVAILABLE AT <http://www.uspto.gov/teas/index.html>. USPTO RULE 2.66, 37 CFR SEC. 2.66, REQUIRES:

- * A "PETITION TO REVIVE" TO BE FILED WITHIN 2 MONTHS OF THE DATE PRINTED AT THE TOP OF THIS NOTICE;
- * A SIGNED STATEMENT BY SOMEONE WITH FIRST HAND KNOWLEDGE OF THE FACTS THAT THE DELAY IN RESPONDING BY THE DUE DATE WAS "UNINTENTIONAL";
- * A PETITION FEE OF \$100, MADE PAYABLE TO THE COMMISSIONER OF TRADEMARKS; AND
- * A RESPONSE TO THE OFFICE ACTION (IF YOU RECEIVED THE OFFICE ACTION - OTHERWISE, A STATEMENT THAT YOU DID NOT RECEIVE THE OFFICE ACTION.)

FOR FURTHER INFORMATION CALL 1-800-786-9199

TMNOA4 (REV 3/2005)



04-10-2012

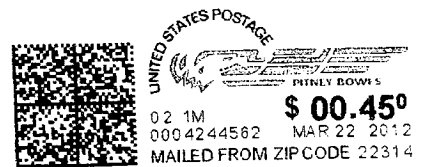
U.S. Patent & TMO/PTO Mail Rpt Dt #72

LuckyU 001621

United States Patent and Trademark Office
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA. 22313-1451
If Undeliverable Return in Ten Days

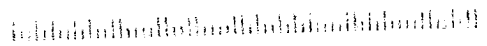
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

AN EQUAL OPPORTUNITY EMPLOYER



NIXIE 568 DE 1. 00104/03/17
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
SC: 22313145151 #0217-02239-22-38

7573102452



LuckyU 001622



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

Mar 21, 2012

NOTICE OF ABANDONMENT

TM117

LUCKYU ENTERPRISES, INC.
LUCKYU ENTERPRISES, INC.
57-120 LALO KUILIMA WAY APT 12
KAHUKU, HI 96731-2122

ATTORNEY
REFERENCE
NUMBER:

SERIAL NUMBER: 85/201283
MARK: GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK
APPLICANT: LuckyU Enterprises, Inc.

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- * YOU HAVE PROOF THAT YOUR RESPONSE WAS RECEIVED IN THE USPTO ON OR BEFORE THE DUE DATE - SUCH AS A POSTCARD WITH A USPTO MAILROOM DATE STAMP; OR,
- * YOU MAILED OR FAXED THE RESPONSE ON OR BEFORE THE DUE DATE WITH A CERTIFICATE OF MAILING OR FACSIMILE TRANSMISSION, IN ACCORDANCE WITH USPTO RULE 2.197, 37 CFR SEC. 2.197.

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- * A RESPONSE TO THE OFFICE ACTION (IF YOU RECEIVED THE OFFICE ACTION - OTHERWISE, A STATEMENT THAT YOU DID NOT RECEIVE THE OFFICE ACTION.)

FOR FURTHER INFORMATION CALL 1-800-786-9199

LuckyU 001623

To: LuckyU Enterprises, Inc. (gioshrimp@aol.com)

Subject: U.S. TRADEMARK APPLICATION NO. 85201283 - GIOVANNI'S ORIGINAL WHITE SHRIMP - N/A

Sent: 8/24/2011 11:21:32 PM

Sent As: ECOM117@USPTO.GOV

Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
[Attachment - 6](#)
[Attachment - 7](#)
[Attachment - 8](#)
[Attachment - 9](#)
[Attachment - 10](#)
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[Attachment - 20](#)
[Attachment - 21](#)
[Attachment - 22](#)
[Attachment - 23](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

APPLICATION SERIAL NO. 85201283

MARK: GIOVANNI'S ORIGINAL WHITE
SHRIMP

85201283

LuckyU 001624

CORRESPONDENT ADDRESS:

LUCKYU ENTERPRISES, INC.
LUCKYU ENTERPRISES, INC.
57-120 LALO KUILIMA WAY APT 12
KAHUKU, HI 96731-2122

CLICK HERE TO RESPOND TO THIS LETTER:

http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: LuckyU Enterprises, Inc.

CORRESPONDENT'S REFERENCE/DOCKET

NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

gioshrimp@aol.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 8/24/2011

LETTER OF PROTEST GRANTED

The Office of the Deputy Commissioner for Trademark Examination Policy granted a Letter of Protest received in connection with this application. The evidence presented in the letter was forwarded to the trademark examining attorney for consideration. *See* TMEP §1715.

Based upon this evidence, the trademark examining attorney is taking further action, as specified below. *See* TMEP §1715.02(b).

In addition to the requirement in this Office action, all refusals and requirement (s) in the Office action dated March 21, 2011, are herein incorporated by reference. Therefore, a proper response to this Office action must address each issue raised in the preceding Office action as well as in this Office action.

REFUSAL – FALSE CONNECTION

Registration is refused because the applied-for mark GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK consists of or includes matter – the term GIOVANNI'S - which may falsely suggest a connection with John "Giovanni" Aragona. Although John "Giovanni" Aragona is not connected with the goods and/or services provided by applicant under the applied-for mark, John "Giovanni" Aragona is so famous that consumers would presume a connection. Trademark Act Section 2(a), 15 U.S.C. §1052(a); *see* TMEP §§1203.03, 1203.03(e). *See generally* *Univ. of Notre Dame du Lac v. J.C. Gourmet Food Imps. Co.*, 703 F.2d 1372, 217 USPQ 505 (Fed. Cir. 1983); *In re Cotter & Co.*, 228 USPQ 202 (TTAB 1985); *Buffett v. Chi-Chi's, Inc.*, 226 USPQ 428 (TTAB 1985).

The following is required for a showing of false connection under Trademark Act Section 2(a):

LuckyU 001625

- (1) The mark sought to be registered is the same as, or a close approximation of, the name or identity previously used by another person or institution;
- (2) The mark would be recognized as such, in that it points uniquely and unmistakably to that person or institution;
- (3) The person or institution identified in the mark is not connected with the goods sold or services performed by applicant under the mark; and
- (4) The fame or reputation of the named person or institution is of such a nature that a connection with such person or institution would be presumed when applicant's mark is used on its goods and/or services.

In re Peter S. Herrick, P.A., 91 USPQ2d 1505, 1507 (TTAB 2009); *In re MC MC S.r.l.*, 88 USPQ2d 1378, 1379 (TTAB 2008); TMEP §1203.03(e); *see also Univ. of Notre Dame du Lac v. J.C. Gourmet Food Imps. Co.*, 703 F.2d 1372, 1375-77, 217 USPQ 505, 508-10 (Fed. Cir. 1983) (providing foundational principles for the current four-part test used to determine the existence of a false connection).

The examiner notes the attached advertisements and articles excerpted from a search of the <http://www.google.com> website which demonstrate that Giovanni and Connie Aragona began a shrimp shack in 1994 that became one of the oldest and famous shrimp trucks in Kahuku, O'ahu known as "Giovanni's Original Shrimp Truck". See attachments. It is also noted that the applicant is located in Kahuku, Hawaii. See applicant's address. The applicant has not provided any written consent from Mr. Aragona that his name may be used in the applicant's mark. Given the popularity, fame and history of the Aragona's shrimp truck, there is a likelihood that the term "Giovanni" in the applicant's mark would be read to refer to John "Giovanni" Aragona and his original shrimp truck.

Notably, the term at issue need not be the actual, legal name of the party falsely associated with applicant's mark to be unregistrable. TMEP §1203.03(a); *see, e.g., Buffett v. Chi-Chi's, Inc.*, 226 USPQ 428, 429-30 (TTAB 1985) (holding the wording MARGARITAVILLE to be the persona of singer Jimmy Buffett). The term must, however, be so uniquely and unmistakably associated with the named party as to constitute that party's name or identity. TMEP §1203.03; *see, e.g., In re Cotter & Co.*, 228 USPQ 202, 204 (TTAB 1985); *Buffett*, 226 USPQ at 429.

Accordingly, the mark is refused registration on the Principal Register absent consent to register from John "Giovanni" Aragona. Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

SECTION 2(c) REFUSAL – NAME IDENTIFIES A LIVING INDIVIDUAL

Registration is refused because the applied-for mark consists of or includes a name, portrait, or signature identifying a particular living individual whose written consent to register the mark is not of record. Trademark Act Section 2(c), 15 U.S.C. §1052(c); TMEP §1206; *see, e.g., In re Hoefflin*, 97 USPQ2d 1174 (TTAB 2010).

The refusal under Section 2(c) will be withdrawn if applicant provides the following:

- (1) A statement that the name "GIOVANNI" shown in the mark identifies < John "Giovanni" Aragona >, a living individual whose consent is of record. If the name represents that of a

LuckyU 001626

pseudonym, stage name, title and name combination, or nickname, applicant must include a statement that “GIOVANNI” identifies the <pseudonym/stage name/title and name/nickname> of <specify actual name>, a living individual whose consent is of record; and

(2) A written consent, personally signed by the individual whose name, signature, or portrait appears in the mark, authorizing applicant to register the identifying matter as a trademark and/or service mark with the USPTO (e.g., “I, John “Giovanni” Aragona, consent to the use and registration by **LuckyU Enterprises, Inc. DBA Giovanni's Original White Shrimp Truck** of my name as a trademark and/or service mark with the USPTO”).

See TMEP §§813, 813.01(a), 1206.04(a).

Applicant is advised that the written consent must include a statement of the party’s consent to applicant’s *registration*, and not just the *use*, of the identifying matter as a trademark. See *Krause v. Krause Publ’ns, Inc.*, 76 USPQ2d 1904, 1912-13 (TTAB 2005); *In re New John Nissen Mannequins*, 227 USPQ 569, 571 (TTAB 1985); *Reed v. Bakers Eng’g & Equip. Co.*, 100 USPQ 196, 199 (PTO 1954); TMEP §1206.04(a).

REQUEST FOR INFORMATION

Applicant must submit the following information to permit proper examination of the application. See 37 C.F.R. §2.61(b); TMEP §§814, 1402.01(e).

Due to the notoriety of the person named in the mark, and the fact that there is no information in the application record regarding a connection with applicant, **applicant must specify whether the person or institution named in the mark has any connection with applicant’s goods and/or services**, and if so, must describe the nature and extent of that connection. See 37 C.F.R. §2.61(b); TMEP §1203.03(e).

Failure to respond to a request for information is an additional ground for refusing registration. See *In re Cheezwhse.com, Inc.*, 85 USPQ2d 1917, 1919 (TTAB 2008); *In re DTI P’ship LLP*, 67 USPQ2d 1699, 1701 (TTAB 2003); TMEP §814.

DISCLAIMER

Applicant must disclaim the descriptive wording “**ORIGINAL WHITE SHRIMP TRUCK**” apart from the mark as shown because it merely describes an ingredient, function, feature and purpose of applicant’s services. See 15 U.S.C. §§1052(e)(1), 1056(a); *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005); *In re Gyulay*, 820 F.2d 1216, 1217-18, 3 USPQ2d 1009, 1010 (Fed. Cir. 1987); TMEP §§1213, 1213.03(a).

Attached to the previous office action, the applicant will find a dictionary reference wherein the term “original” is defined as “preceding all others in time; first.” See attachments. The previously attached advertisement from www.frommers.com indicates that the applicant’s service “claims to be the first shrimp truck to serve the delicious aquaculture shrimp farmed in the surrounding area” of north shore of Oahu. See previously attached.

A term is merely descriptive if it conveys an immediate idea of the ingredients, qualities, or characteristics of the identified goods and/or services. See *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1422 (Fed. Cir. 2005); *In re Dial-A-Mattress Operating Corp.*, 240 F.3d 1341, 1346, 57 USPQ2d

LuckyU 001627

1807, 1812 (Fed. Cir. 2001). When used in relation to the services, the immediate idea rendered by the wording ORIGINAL WHITE SHRIMP TRUCK describes the applicant's services. Specifically, it merely informs consumers that the applicant's provision of food and drink services include being the first to serve white shrimp from a truck. Given the descriptive nature of the wording, it lacks source identifying significance and, thus, must be disclaimed.

A "disclaimer" is a statement that applicant does not claim exclusive rights to an unregistrable component of a mark; it does not affect the appearance of the mark. TMEP §1213. An unregistrable component of a mark includes wording and designs that are merely descriptive of the goods and/or services, and is wording or an illustration that others would need to use to describe or show their goods and services in the marketplace. 15 U.S.C. §1052(e); see TMEP §§1209.03(f), 1213.03 et seq.

The following is the standard format used by the Office:

No claim is made to the exclusive right to use "**ORIGINAL WHITE SHRIMP TRUCK**" apart from the mark as shown.

TMEP §1213.08(a)(i); see *In re Owatonna Tool Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

SPECIMEN

The specimen is not acceptable because it is merely a photocopy of the drawing or a picture or rendering of the applied-for mark; it does not show the applied-for mark in actual use in commerce. See 37 C.F.R. §2.56(c); TMEP §§904.04(a), 904.07(a). Trademark Act Section 45 requires use of the mark "in the sale or advertising of services." 15 U.S.C. §1127; see 37 C.F.R. §2.56(b)(2); TMEP §1301.04.

An application based on Section 1(a) must include a specimen showing the applied-for mark in use in commerce for each class of services. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a).

Therefore, applicant must submit the following:

- (1) A substitute specimen showing the mark in use in commerce for each class of services specified in the application; and
- (2) The following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: "**The substitute specimen was in use in commerce at least as early as the filing date of the application.**" 37 C.F.R. §2.59(a); TMEP §904.05; see 37 C.F.R. §2.193(e)(1). If submitting a substitute specimen requires an amendment to the dates of use, applicant must also verify the amended dates. 37 C.F.R. §2.71(c); TMEP §904.05.

Examples of specimens for services are signs, photographs, brochures, website printouts or advertisements that show the mark used in the actual sale or advertising of the services. See TMEP §§1301.04 et seq.

If applicant cannot satisfy the above requirements, applicant may amend the application from a use in commerce basis under Section 1(a) to an intent to use basis under Section 1(b), for which no specimen is required. See TMEP §806.03(c). However, if applicant amends the basis to Section 1(b), registration will not be granted until applicant later amends the application back to use in commerce by filing an acceptable allegation of use with a proper specimen. See 15 U.S.C. §1051(c), (d); 37 C.F.R. §§2.76, 2.88; TMEP

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§1103.

To amend to Section 1(b), applicant must submit the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: “ **Applicant has had a bona fide intention to use the mark in commerce on or in connection with the services listed in the application as of the filing date of the application.**” 37 C.F.R. §2.34(a)(2); TMEP §806.01(b); *see* 15 U.S.C. §1051(b); 37 C.F.R. §§2.35(b)(1), 2.193(e)(1).

Pending receipt of a proper response, registration is refused because the specimen does not show the applied-for mark in use in commerce as a service mark. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a).

PLEASE NOTE:

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant’s rights. *See* TMEP §§705.02, 709.06.

/C. Skye Young/
Trademark Examining Attorney
Law Office 117
Ph: (571) 272-9713
Fx: (571) 273-9117
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All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

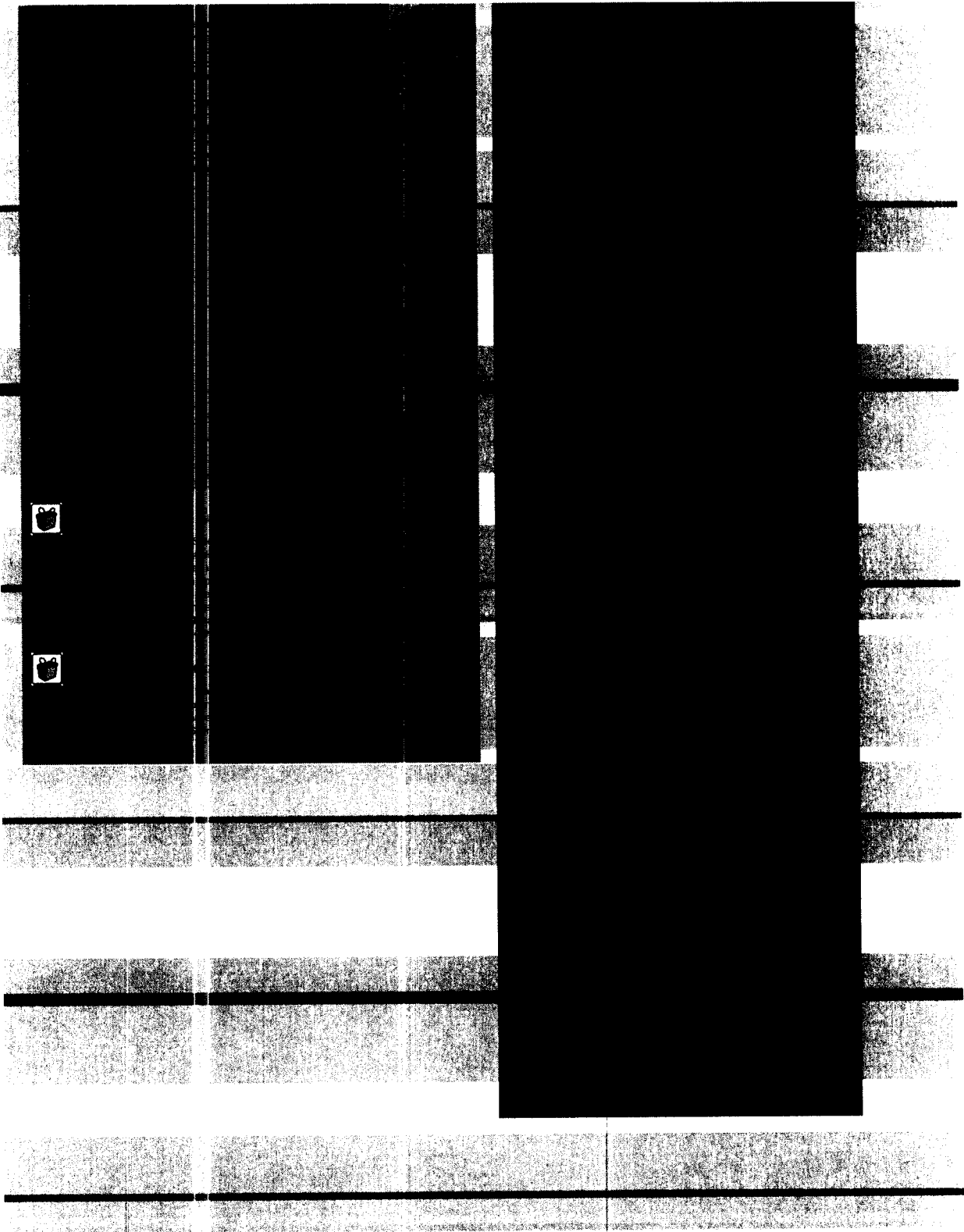
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<p>NO DRIVE TO THE NORTH SHORE is complete without a shrimp stop. Shrimp stands dot Kamehameha Highway from Kahala'u to Kahuku. For under \$10, you can get a shrimp plate lunch or a snack of chilled shrimp with cocktail sauce, served from a rough hut or converted vehicle (many permanently immobile), with picnic table seating.</p> <p>The shrimp shack phenomenon began with a lost lease and a determined restaurateur. In 1994, when Giovanni and Connie Aragona couldn't renew the lease on their Hale'iwa deli, they began hawking their best-selling dishes. Unlike</p>	<p>Though it's changed hands, that first business lives on as Giovanni's Original Shrimp Truck, parked in Kahuku town. Signature dishes include the garlic shrimp and a spicy shrimp sauté, both worth a stop.</p> <p>But there's plenty of competition—at least seven stands, trucks, or stalls are operating at any given time, with varying menus (and quality).</p> <p>Don't be fooled that all that shrimp comes fresh from the ponds; much of it is imported. The only way you can be sure you're buying local farm-raised shrimp is if the shrimp is still kicking. Romy's Kahuku Prawns and Shrimp Hut is an arm</p>

Fodor's Hawaii 2010
edited by Linda Cabasin, Rachel Klein, Jess Moss, Amanda Theunissen



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Shrimp Shacks

No drive to the North Shore is complete without a shrimp stop. Shrimp stands dot Kamehameha Highway from Kahalu'u to Kahuku. For under \$12, you can get a shrimp plate lunch or a snack of chilled shrimp with cocktail sauce, served from a rough hut or converted vehicle (many permanently immobile), with picnic table seating.

The shrimp shack phenomenon began with a lost lease and a determined restaurateur. In 1994, when Giovanni and Connie Aragona couldn't renew the lease on their Hale'iwa deli, they began hawking their best-selling dish—an Italian-style scampi preparation involving lemon, butter, and lots of garlic—

Though it has changed hands, that first business lives on as Giovanni's Original Shrimp Truck, parked in Kahuku town. Signature dishes include the garlic shrimp and a spicy shrimp sauté, both worth a stop.


But there's plenty of competition—at least a half-dozen stands, trucks, or stalls are operating at any given time, with varying menus (and quality).

Don't be fooled that all that shrimp comes fresh from the ponds, much of it is imported. The only way you can be sure you're buying local farm-raised shrimp is if the shrimp is still kicking. Romy's Kahuku Prawns and Shrimp Hut is one of one of the largest shrimp




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Shrimp Snacks

No drive to the North Shore is complete without a shrimp stop. Shrimp stands dot Kamehameha Highway from Kahala'u to Kahuku. For under \$10, you can get a shrimp plate, lunch or a snack of chilled shrimp with cocktail sauce, served from a rough hut or converted vehicle (many permanently parked), with picnic-table seating.

The shrimp shack phenomenon began with a lost lease and a determined restaurateur. In 1994, when Giovanni and Connie Aragona couldn't renew the lease on their Hale'iwa deli, they began hawking their best-selling dish—an Italian-style scampi preparation involving lemon, butter, and lots

Though it's changed hands, that first business lives on as Giovanni's Original Shrimp Truck, parked in Kahuku town. Signature dishes include the garlic shrimp and a spicy shrimp sauté, both worth a stop.

But there's plenty of competition—at least seven stands, trucks, or stalls are operating at any given time, with varying menus (and quality).

Don't be fooled that all of the shrimp comes fresh from the ponds: much of it is imported. The only way you can be sure you're buying local farm-raised shrimp is if the shrimp is still kicking. Romy's Kahuku Prawns and Shrimp Hut (Kamehameha Hwy., near Kahuku) is an arm of one of the

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Oahu's North Shore Shrimp Trucks

When you're driving around the island of Oahu, you won't want to miss picking up a delicious shrimp lunch at one of the shrimp trucks parked near Kahuku on Oahu's north shore. There are also several roadside stands in this area where fresh cooked shrimp are sold.

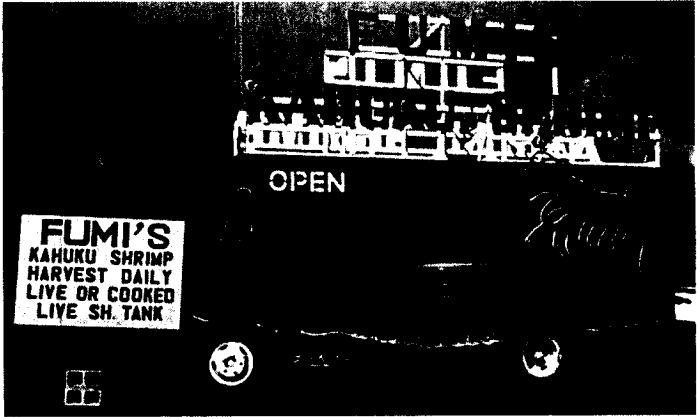


Photo Credit: Kathleen Walling Fry

More Photos

Most of the shrimp trucks on Oahu's north shore are located near the town of Kahuku, which is a well-known shrimp aquaculture area, but you will also find shrimp for sale in several other places along the road between Kualoa and Hale'iwa.

Shrimp plates are ordered at the windows of these shrimp trucks, and it is ususally served with two scoops of rice, and sometimes macaroni salad, a green salad, pineapple slices, and/or a lemon slice. Plain unadorned shrimp is available, but the most popular shrimp plates have garlic, lemon butter, hot and spicy, sweet and spicy, or a soy-based sauce. The last time I ate at a shrimp truck the prices were about \$10-12 USD per plate.



Editor [Kathie Fry](#)

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The shrimp served at these tricks is delicious, but it is also unpeeled, sometimes unveined, and very messy to eat. Be sure pick up plenty of napkins. Some of the shrimp truck locations have covered picnic tables with hawaiian music is playing.

The Shrimp Trucks

Blue Water Shrimp

This is one of newest shrimp trucks on Oahu's north shore, and it is one of the trucks that participated in the Turtle Bay Resorts 2005 "Battle of the North Shore Shrimp Trucks". Their shrimp plates come with a salad sprinkled with goat cheese and they have several non-shrimp items on their menu.

Famous Kahuku Shrimp Truck

This shrimp truck is usually parked in Kahuku, and they offer shrimp with lemon sauce, spicy sauce, and a sweet black pepper sauce. Their menu includes several non-shrimp items.

- [Review of Two North Shore Shrimp Trucks](#)

Fumi's Kahuku Shrimp and Seafood

Fumi's brightly painted "Hawaiian sunset" shrimp truck is impossible to miss, and their shrimp plates are simple but delicious. They offer garlic sauce, lemon butter sauce, and a spicy sauce, and plates are served with two scoops of rice, fresh pineapple slices, and a green salad. I have heard that service at some trucks is not friendly, but the people at Fumi's were very and smiling the last time I was there. Fumi's is one of the shrimp trucks that participated in the Turtle Bay Resorts 2005 battle of the North Shore Shrimp Trucks.

- [Photos of Fumi's Kahuku Shrimp Truck](#)

Giovanni's Shrimp Truck

Giovanni's graffiti-covered white shrimp truck is the oldest and one of the best known shrimp trucks on Oahu's north shore. They usually parked in Kahuku and Hale'iwa. They are most famous for their garlic shrimp that has large chunks of garlic in the sauce, but they also offer lemon butter and spicy sauces.

- [Giovanni's Aloha Shrimp Truck](#) (Ono Kine Grindz)
- [Review of Two North Shore Shrimp Trucks](#) (Reiki Aloha)
- [Secrets of Hawaii: Giovanni's Shrimp Truck](#) (Port Aloha)
- [Photo and Info About Giovanni's Shrimp Truck](#)

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Macky's Kahuku Sweet Shrimp This shrimp truck is owned by Macky Chen's Chen-Lu Shrimp Farm. Plates come with two scoops of rice, a pineapple slice, a piece of sweet potato, and a green salad. Macky's was the winner of the 2005 Battle of the Northshore Shrimp Trucks" contest that was part of the Turtle Bay Resort's first annual Seafood Festival. The winning shrimp recipe was suppose to be added to the menu at the Turtle Bay Resort, but I have not been able to find out which of Macky's sauces won the competition. Does anybody know? (please send email to hawaiiitravelnewsletter@gmail.com).

Romy's Kahuku Prawns and Shrimp Hut

The owners of this roadside shrimp stand at 56-781 Kamehameha Highway in Kahuku use shrimp from their own aquaculture farm, and they offer the standard garlic and spicy sauces, and also a special asian-style house sauce that includes soy sauce and chile sauce. Their menu includes several non-shrimp items.

The Shrimp Shack

The Shrimp Shack is a bright yellow shrimp truck that is usually parked near Kaya's Store in Punalu'u. Their menu includes shrimp with either garlic sauce or cocktail sauce, and several other items. I have heard that the Shrimp Shack does not use Kahuku shrimp, but instead prefers to use Kauai shrimp.

- Honolulu Star Bulletin Shrimp Shack Article
- 101 Things to Do Shrimp Shack Article

The Kahuku Shrimp Truck Scandal

In August 2001, 46 year old Connie Aragona was charged with robbery, extortion, and kidnapping because of her efforts to take over Troy Nistche's lucrative north shore shrimp truck business at gunpoint. See also:

- The Grass Skirt Grill in Haleiwa
- More Haleiwa North Shore Oahu Restaurants
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Lori Myrland, Journal Staff Writer Rapid City Journal | Posted: Sunday, August 5, 2001 11:00 pm

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 Dick Kettlewell Erin Gray of Rapid City brings out a huge shrimp cocktail at Giovanni's Aloha Shrimp booth in Sturgis. Gray is a recent graduate of the University of South Dakota with majors in

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business and mass communications. (Journal photo by Dick Kettlewell)

STURGIS - If you hear a rumble at the rally and it doesn't seem to be coming from the bikes, it might be your stomach.

You won't have to look far in downtown Sturgis to find the usual variety of fare, including everything from Rocky Mountain oysters to sweet potatoes, funnel cakes to spiral fries. But in a place seemingly maxed out with food booths, new vendors try their best to stand out by offering something unique.

There's Hawaiian shrimp cooked Italian-style, German sausage and sauerkraut from Idaho and - hard as this may be to believe - healthful food at a booth set up by a Martin woman.

On Monday, few vendors - food or otherwise - were reporting brisk sales, with crowds noticeably smaller than in the past two years. One-dollar bottles of water seemed to be selling as fast as anything in the

98-degree heat, but it was only the first day of the rally, and plenty of motorcycles still were streaming in from Interstate 90. Fresh-squeezed lemonade, available at several stands, also was popular.

Light rain that fell a couple of times in the afternoon cooled things off for a short time and caused some rallygoers to seek shelter under vendor canopies. Still, Sarah Thornton of Sturgis, working at an espresso booth on Main Street, said she was selling a lot more iced coffee than hot.

One place where business was lively was the Wrigley Field Bar and Grill off Exit 30. File gumbo, made with chicken, sausage and rice, was a popular seller at \$4 per bowl.

Demo rides of the new Harley-Davidson V-Rod performance cruiser were popular nearby, and plenty of people were stopping in for a bowl of the hot and spicy dish from Louisiana. Unlike downtown, there are fewer places in that part of town to get a meal.

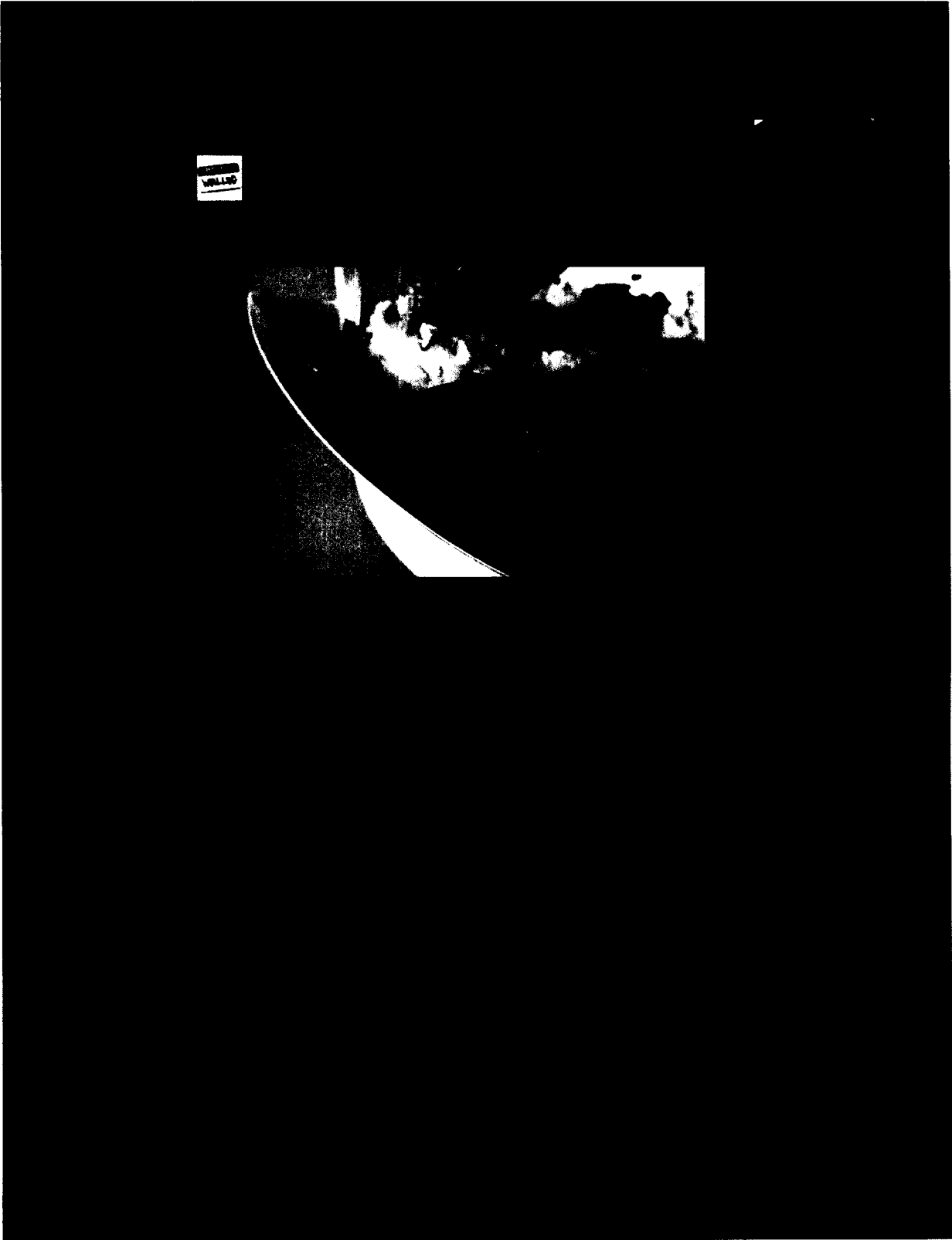
Downtown, Connie Aragona brought 10,000 pounds of jumbo shrimp to the rally to introduce her award-winning product - also hot and spicy - to the mainland. "I need to sell them all by Sunday," said Aragona, who has sold Giovanni's Aloha Shrimp from a truck on Oahu's North Shore since 1994. She sells 6,000 pounds of shrimp a month, cooked to order.

Her 1951 Ford truck has become a landmark there, and Aragona and two business partners hope to market their garlic marinade and hot sauce on the mainland.

The shrimp scampi she's selling at the rally is marinated in chopped garlic, olive oil, lemon, butter and white wine, then sauteed, giving it a strong flavor. It's served on a bed of steamed rice with roasted garlic on top. Hot sauce, made using a recipe from Aragona's great-great-grandparents, is optional. The marinade is a recipe Aragona got from her ex-mother-in-law, a native of Naples. Giovanni is Aragona's ex-husband.

Aragona rides a Harley in Hawaii and had always heard about the Sturgis rally. She decided to launch her product's mainland debut here and already is planning to return next year.

A native of Mozambique who is of Portuguese descent, this is Aragona's first time in the Midwest and her



O'ahu - Kahuku: Giovanni's Shrimp Truck ...

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O'ahu - Kahuku: Giovanni's Shrimp Truck - Shrimp Scampi

Giovanni's Shrimp Truck, a graffiti-covered white shrimp truck, is the oldest and one of the best known shrimp trucks on O'ahu's north shore. Usually parked off Kamehameha Highway just past Puulua Street in Kahuku, Giovanni's is famous for their shrimp scampi, but also serve a hot and spicy shrimp and a lemon and butter shrimp. Started in 1993 by the Aragona family, Giovanni's was sold to Troy Nitsche in 1997. Giovanni's sells an average of 400 plates of shrimp a day.

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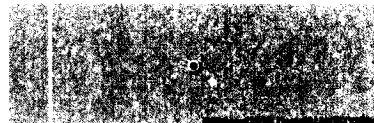
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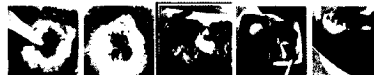
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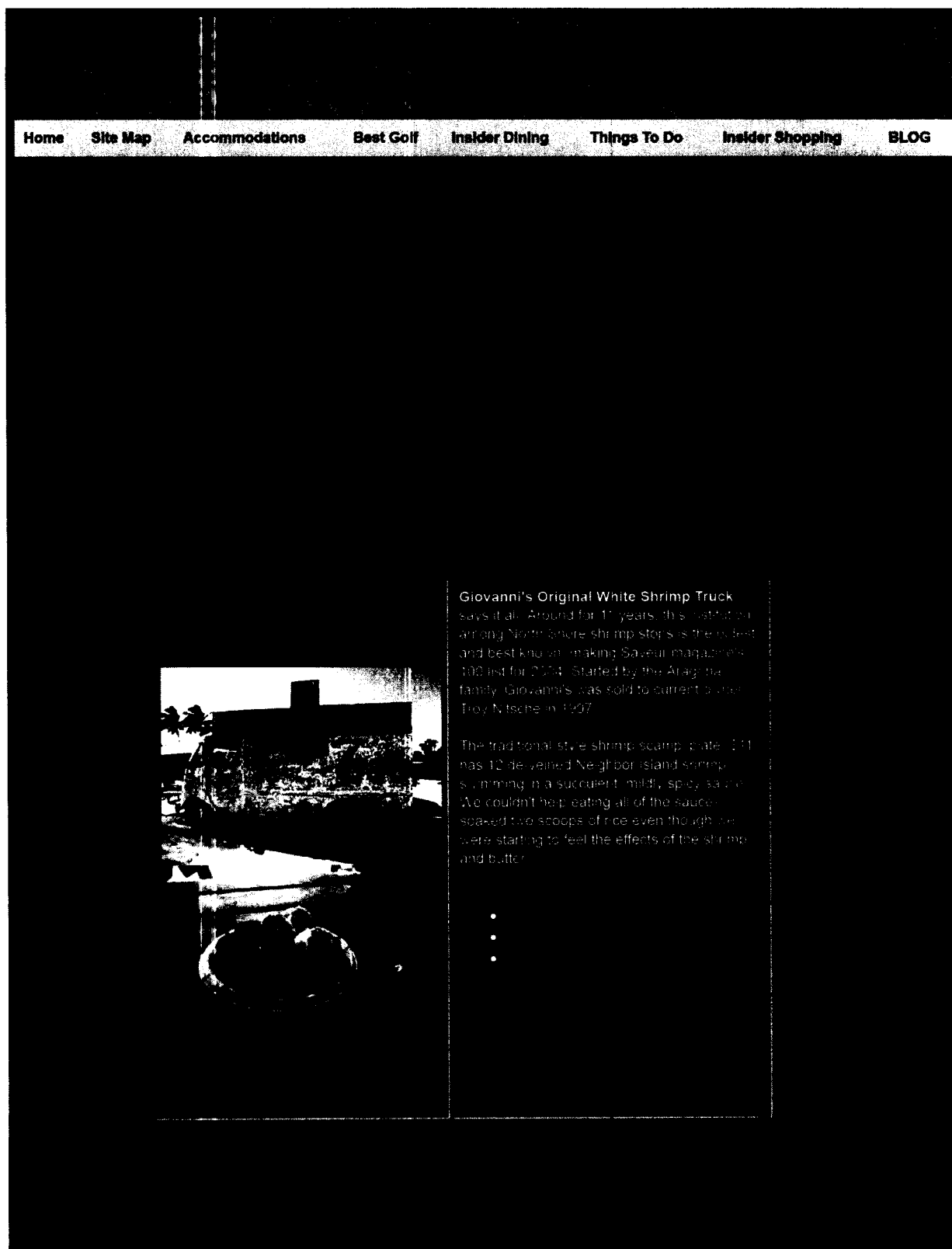
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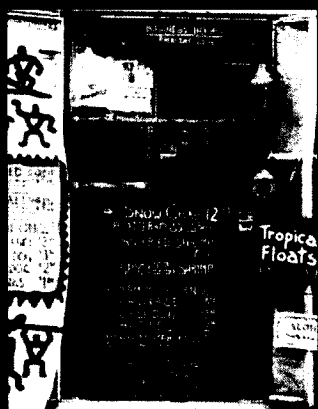
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What began as an unknown shrimp truck on Oahu

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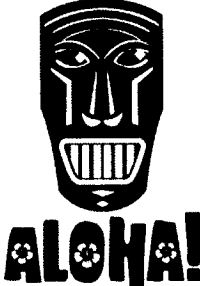
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About Giovanni's Aloha Foods and Famous Shrimp Sauce!

**What began as an unknown, white shrimp truck on Oahu, Hawaii's North Shore —
Became a Legend ...**

Known for it's succulent shrimp morsels served up hot and tasty, Giovanni's Aloha Foods has been pleasing palettes since 1997. Giovanni's Hot & Spicy Sauce, a sauce almost as hot as volcanic lava, has been known to bring customers to their knees; while the mild, but flavor-packed, Giovanni's Scampi Marinade has brought nothing but delight to customers. AND NOW YOU CAN BUY IT IN A BOTTLE!



Our Customers Say

"Our friend told us to stop at the "White Shrimp Truck" in Kahuku, and we're glad we did! The garlic scampi was our family's overall favorite, and I loved the Hot & Spicy, I really mean it! I collect hot sauce from all over the place, Barbados to Belize, Louisiana to Los Angeles, and your secret African Roots and spice are truly unique. I can't wait till you start bottling it."

— Eddie, Terry & Jacob Coleman
Venice, Calif.

"Thanks for serving some of Oahu's finest, tastiest, freshest shrimp scampi. We really enjoyed dining daily at the white shrimp truck, during our recent vacation. Your shrimp is the BEST!"

— Harry & Rochelle Pillion, University Heights,

"We think your shrimp scampi is the best we have eaten anywhere."

— Jim & Mary Jane West Lufkin, Texas

"You have been one of "A list" stops on our list of must see sights on Oahu As always it was the most scrumptious meal."

— Lou Harris San Mateo, California

"Still looking forward to seeing you and having your famous shrimp sauces."

— Gerda Vienna, Austria

"I miss talking to you and eating your incredible shrimp. I'll see you soon in paradise."

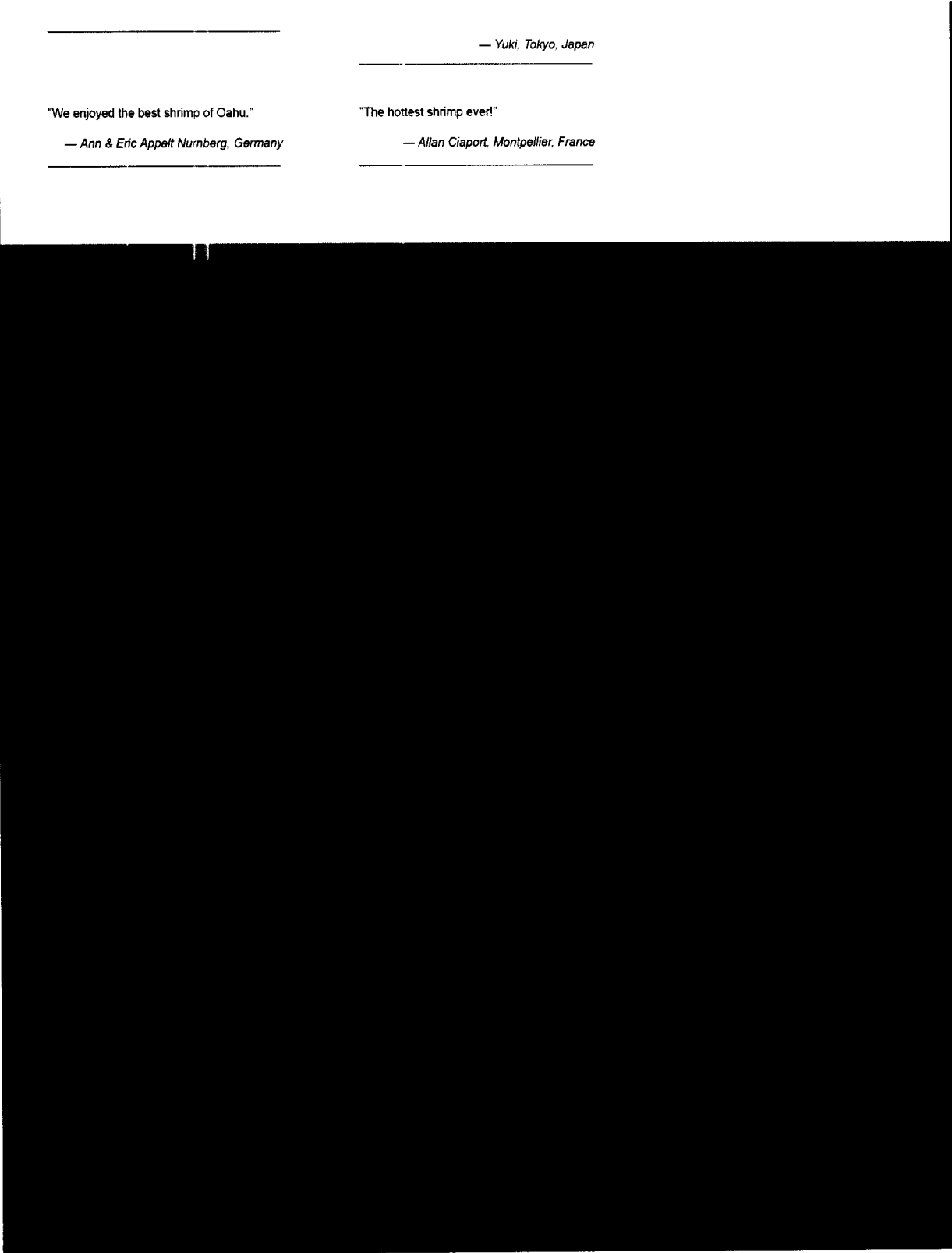
— Yasser Alexandria, Egypt

"The thing I miss most is my shrimp fix."

— Pat & Clyde Jacobs Vancouver, Canada

"Best shrimp ever!"

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What's a drive in the country without shrimp?

Editor's note: Today we introduce our new restaurant critic, Helen Wu, a graduate of the University of Hawai'i (Asian studies) and of the Kapi'olani Community College culinary arts program, where she received outstanding- student and culinary-excellence awards, and also wrote for Kapio, the student journal. Wu wrote for The Advertiser while in school, as well.

By Helen Wu
Advertiser Restaurant Critic

No drive to the North Shore is complete without a meal at one of the shrimp stands that have sprouted along the highway as a result of the development of aquaculture farms here. These are now some of the most recognized dining spots in an area of the island not known for food.

My mission was to compare and contrast the shrimp shacks, and I brought my mother (a self-professed shrimp fanatic who can suck in a whole shrimp, head and all, and just spit out the shell). During two forays, we tried garlic butter scampi-style shrimp plates at a half-dozen spots. One caution: Shrimp shacks come and go, and hours vary. Be flexible.

Shrimp Shack

Bright banana-yellow Shrimp Shack in Punalu'u is the cleanest and quaintest shrimp stop. Owner Irene Theofanis has operated it for six years and was featured on a Food Network special called "Beach Eats." Theofanis uses Kaua'i shrimp and believes they are cleaner because of their special diet and a well-controlled environment in plastic-lined pens with recirculated water.

The quarter-pound of pan-fried garlic shrimp (at \$9.75, the least expensive plate) equaled 12 pieces and arrived with rice and a choice of homemade cocktail sauce or garlic butter on the side. The shrimp packed just a bit of spicy heat, tasting as if they had been saut'ed in a dry spice rub and lightly salted. Wash it all down with a liliko'i float (\$1.75) or a cold beer from Kaya's next door.

Also on the menu: snow crab legs (\$12.75); mussels (\$8.25); chili rice (\$3.50); hot dog (\$2); Kahuku corn on a stick (\$2).

Ambience: 11 shaded wooden picnic tables on a manicured lawn. Hawaiian music wafts in the background.

Giovanni's Original White Shrimp Truck

The sign for graffiti-covered Giovanni's Original White Shrimp Truck says it all. Around for 11 years, this institution among North Shore shrimp stops is the oldest and best known, making *Saveur* magazine's 100 list for 2004. Started by the Aragona family, Giovanni's was sold to current owner Troy Nitsche in 1997. By the time you read this, a new, modernized shrimp truck will have replaced the old one in Kahuku. New graffiti already are beginning to decorate it.

The traditional-style shrimp scampi plate (\$11) had 12 de-veined Neighbor Island shrimps swimming in a succulent, mildly spicy sauce. We couldn't help eating all of the sauce-soaked two scoops of rice even though we were starting to feel the effects of the shrimp and butter. Lots of garlic chunks in the sauce and a huge lemon wedge offer extra flavor. It's easy to see why Giovanni's sells an average of 400 plates a day.

Also on the menu: hot and spicy and lemon butter saut'ed shrimp. Half plates, \$6.

Ambience: at Kahuku location, six shaded plastic picnic tables set on gravel with requisite Hawaiian music. The Hale'iwa site offers three tables but no shade.

Famous Kahuku Shrimp Truck

The Famous Kahuku Shrimp Truck is nearly a twin of Giovanni's but with an Asian spin. Owner



At Romy's Kahuku Prawns & Shrimp Hut, after the big crustaceans are put on the plate, a sauce loaded with saut'ed garlic chunks is ladled on. The shrimp and prawns are harvested daily from ponds.
Deborah Booker • The Honolulu Advertiser

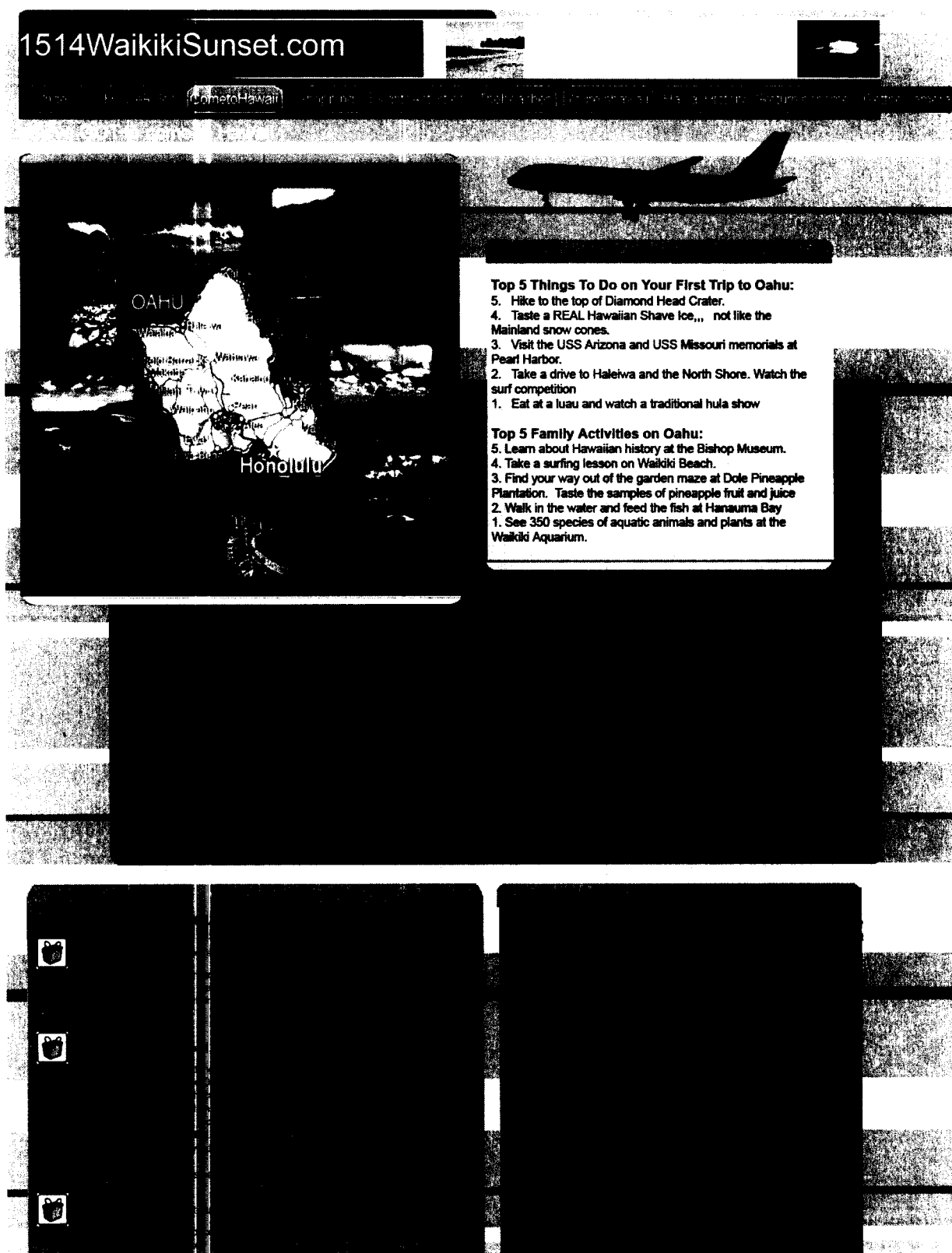
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Sent: 8/24/2011 11:21:33 PM
Sent As: ECOM117@USPTO.GOV
Attachments:

IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION

Your trademark application (Serial No. 85201283) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office (“USPTO”) has written a letter (an “Office Action”) on 8/24/2011 to which you must respond. Please follow these steps:

1. Read the Office letter by clicking on this [link](http://tmportal.uspto.gov/external/portal/tow) OR go to <http://tmportal.uspto.gov/external/portal/tow> and enter your serial number to access the Office letter.

PLEASE NOTE: The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

2. Respond within 6 months, calculated from **8/24/2011** (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System **Response to Office Action form**. If you have difficulty using the USPTO website, contact TDR@uspto.gov.

3. Contact the examining attorney who reviewed your application with any questions about the content of the office letter:

/C. Skye Young/
Trademark Examining Attorney
Law Office 117
Ph: (571) 272-9713
Fx: (571) 273-9117
Em: skye.young@uspto.gov

WARNING

Failure to file any required response by the applicable deadline will result in the ABANDONMENT of your application.

Do NOT hit “Reply” to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, please use the Trademark Electronic Application System Response to Office Action form.

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LETTER OF PROTEST MEMORANDUM

DATE: August 15, 2011

TO: Skye Young
Examining Attorney
Law Office 117

FROM: Jennifer Chicoski
Office of the Deputy Commissioner for
Trademark Examination Policy

SUBJECT: Letter of protest concerning Application Serial No. 85-201283 for the mark "GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK" for "Providing of food and drink; Providing of food and drink via a mobile truck; Restaurant services, including sit-down service of food and take-out restaurant services; Restaurant services, namely, providing of food and beverages for consumption on and off the premises; Serving food and drinks" in International Class 43.

A letter of protest filed before publication has been accepted because the evidence submitted by the protester is relevant and may support a reasonable ground for refusal appropriate in *ex parte* examination. Therefore, you must consider the following and make an independent determination whether to issue a requirement or refusal based on the objections raised in the letter of protest:

Possible false suggestion of a connection with John "Giovanni" Aragona under Section 2(a), 15 U.S.C. §1052(a), and/or lack of consent of John "Giovanni" Aragona under Section 2(c), 15 U.S.C. §1052(c).

Please see the attached evidence of Mr. Aragona's mobile shrimp truck "Giovanni's Original Shrimp Truck" and menu items sold under the name "Giovanni's Aloha Shrimp."

NOTE: The acceptance of a letter of protest filed before publication is not a legal determination by the USPTO of registrability, nor is it meant to compromise the integrity of the ex parte examination process. It merely serves to bring the submitted evidence to the attention of the examining attorney, who determines whether a refusal or requirement should be raised or ultimately made final.

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Charges Filed in Shrimp Truck Extortion - Honolulu Star-Bulletin ...
Aug 24, 2001 ... The owner of **Giovanni's Aloha Shrimp Wagon** says he was ... of the **Giovanni's Aloha Shrimp Wagon** in Kahuku from **Aragona** and her husband in ...
archives.starbulletin.com/2001/08/24/news/story2.html - Cached - Similar

honoluluadvertiser.com
Aug 24, 2001 ... According to the affidavit, **Aragona** met with Nistche at **Giovanni's Aloha Shrimp** on Waihona Street on Sunday and demanded that he sell back ...
the.honoluluadvertiser.com/article/2001/Aug/24/ln/ln17a.html - Cached

honoluluadvertiser.com
Aug 23, 2003 ... The former owner of the popular **Giovanni's Aloha Shrimp** ...
the.honoluluadvertiser.com/article/2003/Aug/23/.../ln10a.html - Cached - Similar

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'Ono Kine Grindz: Giovanni's Aloha Shrimp
According to the Hawaii DCCA website, **Giovanni's Aloha Shrimp**, LLC is owned by Connie **Aragona** and James Goodrich. BTW...thanks for the link to the pipiri ...
onokinegrindz.typepad.com/ono_kine.../giovannis_shrim.html?cid... - Cached

Shrimp Trucks of Oahu's North Shore
Giovanni's Aloha Shrimp Truck (Ono Kine Grindz); Review of Two North Shore Shrimp ... In August 2001, 46 year old Connie **Aragona** was charged with robbery, ...
www.hawaiiiforvisitors.com/oahu/.../kahuku-shrimp-trucks.htm - Cached - Similar

O'ahu - Kahuku: Giovanni's Shrimp Truck - Shrimp Scampi | Flickr ...
Started in 1993 by the **Aragona** family, **Giovanni's** was sold to Troy Nitsche in 1997. **Giovanni's** sells an average of 400 plates of **shrimp** a day. ...
www.flickr.com/photos/wallyg/4773177246/ - Cached

O'ahu - Kahuku: Giovanni's Shrimp Truck | Flickr - Photo Sharing!
May 25, 2010 ... Started in 1993 by the **Aragona** family, **Giovanni's** was sold ...
www.flickr.com/photos/wallyg/4772537885/ - Cached

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Rally eats eclectic treats
7 posts - Last post: Aug 5, 2001
"I need to sell them all by Sunday," said **Aragona**, who has sold **Giovanni's Aloha Shrimp** from a truck on Oahu's North Shore since 1994. ...
www.rapidcityjournal.com/article_e40ebd3a-996e-5fd1-b1ac-e81150e53985.html

HECO > Pasta Dessert (Aletria)
Pasta Dessert (Aletria). Demonstrated by: Connie **Aragona** of **Giovanni's Aloha Foods** and Portuguese Pioneer Civic Association ...
www.mauielectric.com/.../menuitem.33c4127d7938fd26dce8d210c510b1ca/?... - Cached

Fiery Foods and Barbecue SuperSite - Hawaii: Honolulu Heat
There I had a lunch of spicy **shrimp** out of **Giovanni's Shrimp** Truck. It turns out that Portuguese owner Connie **Aragona** is from Mozambique, Africa, ...
www.fiery-foods.com/chiles.../1953-hawaii-honolulu-heat - Cached - Similar



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Aug 24, 2001 ... On Sunday, police said **Aragona** met with Nistche at **Giovanni's** Aloha ... is a fixture on the North Shore and its **hot sauce** for shrimp won a ...
archives.starbulletin.com/2001/08/24/news/story2.html - Cached - Similar

'Ono Kine Grindz: Giovanni's Aloha Shrimp

i love the **giovanni's** hot and spicy sauce. but i live in arizona and have ... **Giovanni's Aloha**
Shrimp, LLC is owned by Connie **Aragona** and James Goodrich. ...
onokinegrindz.typepad.com/ono_kine.../giovannis_shrim.html?cid=... - Cached

Fans of Giovanni's Original White Shrimp Truck Kahuku, HI ...

Sign Up Fans of **Giovanni's** Original White Shrimp Truck Kahuku, ... i miss being able to buy bottles of the **hot sauce** after the **Aragona's** had their problems. ...
www.facebook.com/group.php?gid=52088961043&v=wall

Rally eats eclectic treats

7 posts - Last post: Aug 5, 2001

Hot sauce, made using a recipe from **Aragona's ... Giovanni is Aragona's ex-husband.**

Aragona rides a Harley in Hawaii and had always heard ...

www.rapidcityjournal.com/article_e40ebd3a-996e-5fd1-b1ac-e81150e53985.html

What's a drive in the country without shrimp? - Honolulu Advertiser

Sep 24, 2004 ... Started by the **Aragona** family, **Giovanni's** was sold to current owner Troy Nitsche in ... with either a garlic glaze or sweet and **hot sauce**. ...
the.honoluluadvertiser.com/article/2004/Sep/24/.../en12a.html - Cached - Similar

Fiery Foods and Barbecue SuperSite - Hawaii: Honolulu Heat

I pushed on and went to the **hot sauces**. I was incinerated by a shot of North Shore's ... There I had a lunch of spicy shrimp out of **Giovanni's Shrimp Truck**. It turns out that Portuguese owner **Connie Aragona** is from Mozambique, Africa, ...

[www.fierly-foods.com/chiles.../1953-hawaii-honolulu-u-heat - Cached - Similar](#)

Shrimp Trucks of Oahu's North Shore

... lemon butter, hot and spicy, sweet and spicy, or a soy-based sauce. ... Giovanni's graffiti-covered white shrimp truck is the oldest and one of the best known ... of garlic in the sauce, but they also offer lemon butter and spicy sauces. ... In August 2001, 46 year old Connie Aragona was charged with robbery, ...

www.hawaii.org/visitors.com/oahu/.../kahuku-shrimp-trucks.htm - Cached - Similar

Banquets

River fish a la dodine [a sauce of almond meal, garlic and egg] , savoury rice, a bourrey [stew] with hot sauce and eels reversed [yet ... The Wedding Banquet of the Marquis Trivulzio with Beatrice d'Avalos d'Aragona, Milan, 1488. ... www.sca.org.au/st_florians/university/librari/vl/banquets.htm - Cached

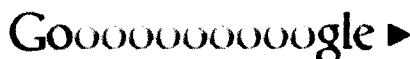
The Italian Food Guide: The Ultimate Guide to the Regional Foods ... - Google Books
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Touring Club of Italy - 2002 - Cooking - 562 pages

... **saucce** e la tortine caide di mela anurca (**hot anurrc** apple cakes), ... 10
-0817646016 MNIH aRa Ferrovia j* via Alfonso d'Aragona 2 1 • 0815538525 ...
[books.google.com/books?isbn=8836525385...](https://books.google.com/books?isbn=8836525385)

Choosing The Best Gifts For Men Virginia Beach VA - Virginia Beach ...

345 **Aragona** Boulevard Virginia Beach, VA. Data Provided by: ... bottle opener, a vacation to Las Vegas, **hot sauce** of the month clubs, custom bobble head, ...
articles.directorym.com/Choosing_The_Best_Gifts_For_Men_Virginia_Beach_VA-r992770-Virginia_Beach_VA.html - Cached



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TASTE OF HAWAII: GIOVANNI'S ORIGINAL SHRIMP TRUCK - AT HOME

Apr 8, 2011 ... Well, we always buy a few containers of the hot sauce every time we go to Giovanni's. With the sauce in hand, my wife cooks the shrimp to ...
greateatshawaii.blogspot.com/...giovannis-original-shrimp-truck-at-home.html - Cached

2003 > Giovanni's Aloha Foods, LLC 18-Sep-03

Oct 27, 2009 ... FDA analysis of a sample (# 188982) collected from your firm on February 21, 2003, confirmed that Giovanni's Hot Sauce contains sodium ...
www.fda.gov > ... > Enforcement Actions > Warning Letters - Cached

Giovanni's [Archive] - HawaiiThreads.com

14 posts - 5 authors - Last post: May 10, 2008
Friends: Does any one have any idea how I can buy a bottle of Giovanni's hot and spicy sauce and have it mailed to me? ...
www.hawaiiithreads.com > ... > Ka Nohona > Kaukau Korner - Cached

Personal Chef - Chef Giovanni: Personal Chef -- Lessons -- Hot ...

I also offer a full line of all-natural crushed-pepper hot sauces under my Chef Giovanni brand! Whether or not you're a hot-sauce lover, you'll love my hot ...
www.thumbtack.com > New York - Cached

K&N Sponsored Giovanni Scelzi Wins First Time Out in the ...

So far this year the win total for Giovanni "Hot Sauce" Scelzi stands at 17 - that's the Jr. Sprint and now Restricted 600 Class combined. ...
www.knfilters.com/news/news.aspx?ID=2833 - Cached

Chef Giovanni - Home

Chef Giovanni will be selling his All-Natural Crushed-Pepper Sauces, Hot Sauces, and Marcona almonds, as well as promoting his other services, ...
chefgiovanni.vpweb.com/ - Cached - Similar

Hot Cooker With Aria Giovanni-Tomato Sauce

7 min - Feb 9, 2009 - Uploaded by alidrus83
tinyurl.com - Get all recipies that you want here
www.youtube.com/watch?v=3YvoiLiVhL8

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Menu - Giovanni's Pizza

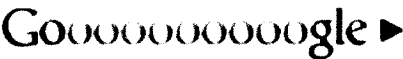
Steaming hot spaghetti topped with Giovanni's delicious meat sauce, covered with two kinds of cheese and then baked. Served with your choice of garlic bread ...
giovannispizzapower.com/menu.htm - Cached

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O'ahu - Kahuku: Giovanni's Shrimp Truck - Shrimp Scampi | Flickr ...
Giovanni's Shrimp Truck, a graffiti-covered white shrimp truck, ... Started in 1993 by the **Aragona** family, Giovanni's was sold to Troy Nitsche in 1997.
www.flickr.com/photos/wallyg/4773177246/ - Cached

O'ahu - Kahuku: Giovanni's Shrimp Truck | Flickr - Photo Sharing!
May 25, 2010 ... **Giovanni's Shrimp Truck**, a graffiti-covered white shrimp ...
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Hawaii Shrimp Shacks
The **Shrimp Shacks/Trucks**. The **shrimp** shack phenomenon began with a lost lease and a determined restaurateur. In 1994, when **Giovanni** and **Connie Aragona** ...
www.hawaii4vacationinsider.com/shrimpsnacks.ivnu - Cached

Shrimp Snacks | Honolulu and Oahu Features | Fodor's Travel Guides
In 1994, when **Giovanni** and **Connie Aragona** couldn't renew the lease on their Haleiwa ... that first business lives on as **Giovanni's Original Shrimp Truck**, ...
www.fodors.com/world/north-america/usa/.../feature_30027.html - Cached

honoluluadvertiser.com
Aug 24, 2001 ... Later that evening, **Aragona** and one of the assailants went to **Giovanni's Aloha Shrimp truck** in Kahuku and demanded the cash box from the ...
the.honoluluadvertiser.com/article/2001/Aug/24/In/In17a.html - Cached

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Fodor's Hawaii 2010 - Google Books Result
Linda Cabasin, Rachel Klein, Jess Moss - 2009 - Travel - 648 pages
In 1994, when **Giovanni** and **Connie Aragona** couldn't renew the lease on ... The ready supply and the success of the first **shrimp truck** led to many imitators. ...
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Giovanni's Shrimp Truck - Kahuku, HI

770 reviews - Price range: \$
770 Reviews of **Giovanni's Shrimp Truck** "Ahhhhhhh.....garrmmf!! Whoever thought of that garlic hot dog should be given an award.
www.yelp.com › Restaurants › Seafood - Cached - Similar

'Ono Kine Grindz: Giovanni's Aloha Shrimp

May 31, 2004 ... Good news for Southern California - she also told me they are opening a **Giovanni's Shrimp Truck** in Venice Beach in "a couple of months" ...
onokinegrindz.typepad.com/ono.../giovannis_shrim.html - Cached - Similar

Giovanni's Shrimp Truck - North Shore, Oahu | Facebook

Giovanni's Shrimp Truck - North Shore, Oahu - The Original Shrimp Truck serving the island since 1993 | Facebook.
www.facebook.com/pages/Giovannis-Shrimp-Truck.../33962683723 - Cached

Giovanni's Shrimp Truck - North Shore - Kahuku | Urbanspoon

38 reviews - Price range: \$10-15 per entree
Giovanni's Shrimp Truck, Seafood Restaurant in North Shore. See the menu, 17 photos, 8 blog posts and 32 user reviews. Reviews from critics, food blogs and ...
www.urbanspoon.com › Hawaii › Greater Oahu › North Shore - Cached

Secrets of Hawaii- Lanikai and Kailua Beach

Secrets of Hawaii : Kailua and Lanikai Beaches. Lanikai Beach: Lanikai means "heavenly sea" in the Hawaiian language. And at Lanikai Beach that is exactly ...
www.portloha.com/SecretsOfHawaii/KailuaBeach.htm - Cached - Similar

Giovanni's Shrimp Truck

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www.giovannisshrimptruck.com/ - Cached

Giovanni's Shrimp Truck, Kahuku - Restaurant Reviews - TripAdvisor

35 reviews
Giovanni's Shrimp Truck, Kahuku: See 33 unbiased reviews of **Giovanni's Shrimp Truck**, rated 4.0 of 5 on TripAdvisor and ranked #3 of 13 restaurants in ...
www.tripadvisor.com › ... › Restaurants › Giovanni's Shrimp Truck - Cached - Similar

Giovanni's Shrimp Truck

2 min - Nov 13, 2006 - Uploaded by boxterturbo
This is a North Shore legend... buttery garlic **shrimp** scampi. It's good...
www.youtube.com/watch?v=35Jt7Cf9Sns

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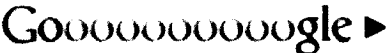
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SHRIMP SHACKS

NO DRIVE TO THE NORTH SHORE is complete without a shrimp stop. Shrimp stands dot Kamehameha Highway from Kahalu'u to Kahuku. For under \$10, you can get a shrimp plate lunch or a snack of chilled shrimp with cocktail sauce, served from a rough hut or converted vehicle (many permanently immobile), with picnic table seating.

The shrimp shack phenomenon began with a lost lease and a determined restaurateur. In 1994, when Giovanni and Connie Aragona couldn't renew the lease on their Hale'iwa deli, they began hawking their best-selling dishes, Italian

Though it's changed hands, that first business lives on as Giovanni's Original Shrimp Truck, parked in Kahuku town. Signature dishes include the garlic shrimp and a spicy shrimp sauté, both worth a stop.

But there's plenty of competition—at least seven stands, trucks, or stalls are operating at any given time, with varying menus (and quality).

Don't be fooled that all that shrimp comes fresh from the ponds; much of it is imported. The only way you can be sure you're buying local farm-raised shrimp is if the shrimp is still kicking. Romy's Kahuku Prawns and Shrimp Hut is an arm

Fodor's Oahu, 2nd Edition: With Honolulu, Waikiki, and the North Shore By Rachel Kle



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No drive to the North Shore is complete without a shrimp stop. Shrimp stands dot Kamehameha Highway from Kahala'u to Kahuku. For under \$10, you can get a shrimp plate, lunch or a snack of chilled shrimp with cocktail sauce, served from a rough hut or converted vehicle (many permanently parked), with picnic-table seating.

The shrimp shack phenomenon began with a lost lease and a determined restaurateur. In 1994, when Giovanni and Connie Aragona couldn't renew the lease on their Haleiwa deli, they began hawking their best-selling dish—an Italian-style scampi preparation involving lemon, butter, and lots

Though it's changed hands, that first business lives on as Giovanni's Original Shrimp Truck, parked in Kahuku town. Signature dishes include the garlic shrimp and a spicy shrimp saute, both worth a stop.

But there's plenty of competition—at least seven stands, trucks, or stalls are operating at any given time, with varying menus (and quality).

Don't be fooled that all of the shrimp comes fresh from the ponds: much of it is imported. The only way you can be sure you're buying local farm-raised shrimp is if the shrimp is still kicking. Romy's Kahuku Prawns and Shrimp Hut (Kamehameha Hwy., near Kahuku) is an arm of one of the

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Shrimp Snacks

No drive to the North Shore is complete without a shrimp stop. Shrimp stands dot Kamehameha Highway from Kahaluu to Kahuku. For under \$10, you can get a shrimp plate lunch or a snack of chilled shrimp with cocktail sauce, served from a rough hut or converted vehicle (many permanently parked), with picnic-table seating.

The shrimp shack phenomenon began with a lost lease and a determined restaurateur. In 1994, when Giovanni and Connie Aragona couldn't renew the lease on their Haleiwa deli, they began hawking their best-selling dish—an Italian-style scampi preparation involving lemon, butter, and lots of garlic—from a truck alongside the road. About the same time, aquaculture was gaining a foothold in nearby Kahuku, with farmers raising sweet, white shrimp and huge, orange-whiskered prawns in shallow freshwater ponds. The ready supply and the success of the first shrimp truck led to many imitators.

Though it's changed hands, that first business lives on as Giovanni's Original Shrimp Truck, parked in Kahuku town. Signature dishes include the garlic shrimp and a spicy shrimp sauté, both worth a stop.

But there's plenty of competition—at least seven stands, trucks, or stalls are operating at any given time, with varying menus (and quality).

Don't be fooled that all of the shrimp comes fresh from the ponds: much of it is imported. The only way you can be sure you're buying local farm-raised shrimp is if the shrimp is still kicking. Romy's Kahuku Prawns and Shrimp Hut (Kamehameha Hwy., near Kahuku) is an arm of one of the longest-running aquaculture farms in the area; they sell live shrimp and prawns and farm-raised fish along with excellent plate lunches. The pan-fried shrimp and buttery, locally-raised corn from the bright-yellow Shrimp Shack, parked at The Ching Store on Kamehameha Highway in Punaluu, is first-rate, too.

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Oahu's North Shore Shrimp Trucks

When you're driving around the island of Oahu, you won't want to miss picking up a delicious shrimp lunch at one of the shrimp trucks parked near Kahuku on Oahu's north shore. There are also several roadside stands in this area where fresh cooked shrimp are sold.

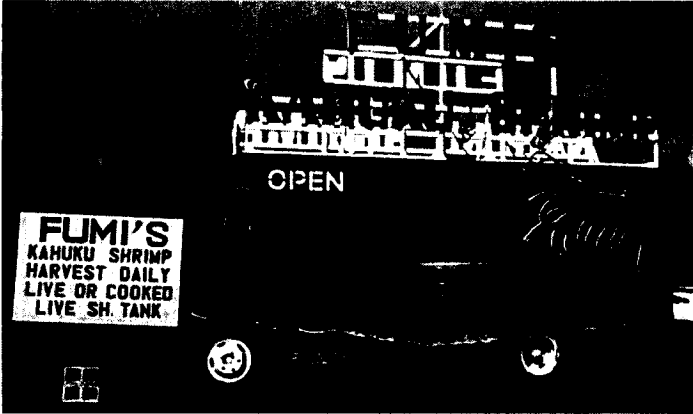


Photo Credit: Kathleen Walling Fry

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Most of the shrimp trucks on Oahu's north shore are located near the town of Kahuku, which is a well-known shrimp aquaculture area, but you will also find shrimp for sale in several other places along the road between Kualoa and Hale'iwa.

Shrimp plates are ordered at the windows of these shrimp trucks, and it is usually served with two scoops of rice, and sometimes macaroni salad, a green salad, pineapple slices, and/or a lemon slice. Plain unadorned shrimp is available, but the most popular shrimp plates have garlic, lemon butter, hot and spicy, sweet and spicy, or a soy-based sauce. The last time I ate at a shrimp truck the prices were about \$10-12 USD per plate.



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The shrimp served at these tricks is delicious, but it is also unpeeled, sometimes unveined, and very messy to eat. Be sure pick up plenty of napkins. Some of the shrimp truck locations have covered picnic tables with hawaiian music is playing.

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The Shrimp Trucks

Blue Water Shrimp
This is one of newest shrimp trucks on Oahu's north shore, and it is one of the trucks that participated in the Turtle Bay Resorts 2005 "Battle of the North Shore Shrimp Trucks". Their shrimp plates come with a salad sprinkled with goat cheese and they have several non-shrimp items on their menu.

Famous Kahuku Shrimp Truck
This shrimp truck is usually parked in Kahuku, and they offer shrimp with lemon sauce, spicy sauce, and a sweet black pepper sauce. Their menu includes several non-shrimp items.

- [Review of Two North Shore Shrimp Trucks](#)

Fumi's Kahuku Shrimp and Seafood
Fumi's brightly painted "Hawaiian sunset" shrimp truck is impossible to miss, and their shrimp plates are simple but delicious. They offer garlic sauce, lemon butter sauce, and a spicy sauce, and plates are served with two scoops of rice, fresh pineapple slices, and a green salad. I have heard that service at some trucks is not friendly, but the people at Fumi's were very and smiling the last time I was there. Fumi's is one of the shrimp trucks that participated in the Turtle Bay Resorts 2005 battle of the North Shore Shrimp Trucks.

- [Photos of Fumi's Kahuku Shrimp Truck](#)

Giovanni's Shrimp Truck
Giovanni's graffiti-covered white shrimp truck is the oldest and one of the best known shrimp trucks on Oahu's north shore. They usually parked in Kahuku and Hale'iwa. They are most famous for their garlic shrimp that has large chunks of garlic in the sauce, but they also offer lemon butter and spicy sauces.

- [Giovanni's Aloha Shrimp Truck](#) (Ono Kine Grindz)
- [Review of Two North Shore Shrimp Trucks](#) (Reiki Aloha)
- [Secrets of Hawaii: Giovanni's Shrimp Truck](#) (Port Aloha)
- [Photo and Info About Giovanni's Shrimp Truck](#)

Macky's Kahuku Sweet Shrimp This shrimp truck is owned by Macky Chen's Chen-Lu Shrimp Farm. Plates come with two scoops of rice, a pineapple slice, a piece of sweet potato, and a green salad. Macky's was the winner of the 2005 Battle of the Northshore Shrimp Trucks" contest that was part of the Turtle Bay Resort's first annual Seafood Festival. The winning shrimp recipe was suppose to be added to the menu at the Turtle Bay Resort, but I have not been able to find out which of Macky's sauces won the competition. Does anybody know? (please send email to hawaiiitravelnewsletter@gmail.com).

Romy's Kahuku Prawns and Shrimp Hut

The owners of this roadside shrimp stand at 56-781 Kamehameha Highway in Kahuku use shrimp from their own aquaculture farm, and they offer the standard garlic and spicy sauces, and also a special asian-style house sauce that includes soy sauce and chile sauce. Their menu includes several non-shrimp items.

The Shrimp Shack

The Shrimp Shack is a bright yellow shrimp truck that is usually parked near Kaya's Store in Punalu'u. Their menu includes shrimp with either garlic sauce or cocktail sauce, and several other items. I have heard that the Shrimp Shack does not use Kahuku shrimp, but instead prefers to use Kauai shrimp.

- Honolulu Star Bulletin Shrimp Shack Article
- 101 Things to Do Shrimp Shack Article

The Kahuku Shrimp Truck Scandal

In August 2001, 46 year old Connie Aragona was charged with robbery, extortion, and kidnapping because of her efforts to take over Troy Nistche's lucrative north shore shrimp truck business at gunpoint. See also:

- The Grass Skirt Grill in Haleiwa
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Lori Myrland, Journal Staff Writer Rapid City Journal | Posted: Sunday, August 5, 2001 11:00 pm

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Buy this photo Dick Kettlewell Erin Gray of Rapid City brings out a huge shrimp cocktail at Giovanni's Aloha Shrimp booth in Sturgis. Gray is a recent graduate of the University of South Dakota with majors in

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business and mass communications. (Journal photo by Dick Kettlewell)

STURGIS - If you hear a rumble at the rally and it doesn't seem to be coming from the bikes, it might be your stomach.

You won't have to look far in downtown Sturgis to find the usual variety of fare, including everything from Rocky Mountain oysters to sweet potatoes, funnel cakes to spiral fries. But in a place seemingly maxed out with food booths, new vendors try their best to stand out by offering something unique.

There's Hawaiian shrimp cooked Italian-style, German sausage and sauerkraut from Idaho and - hard as this may be to believe - healthful food at a booth set up by a Martin woman.

On Monday, few vendors - food or otherwise - were reporting brisk sales, with crowds noticeably smaller than in the past two years. One-dollar bottles of water seemed to be selling as fast as anything in the

98-degree heat, but it was only the first day of the rally, and plenty of motorcycles still were streaming in from Interstate 90. Fresh-squeezed lemonade, available at several stands, also was popular.

Light rain that fell a couple of times in the afternoon cooled things off for a short time and caused some rallygoers to seek shelter under vendor canopies. Still, Sarah Thornton of Sturgis, working at an espresso booth on Main Street, said she was selling a lot more iced coffee than hot.

One place where business was lively was the Wrigley Field Bar and Grill off Exit 30. File gumbo, made with chicken, sausage and rice, was a popular seller at \$4 per bowl.

Demo rides of the new Harley-Davidson V-Rod performance cruiser were popular nearby, and plenty of people were stopping in for a bowl of the hot and spicy dish from Louisiana. Unlike downtown, there are fewer places in that part of town to get a meal.

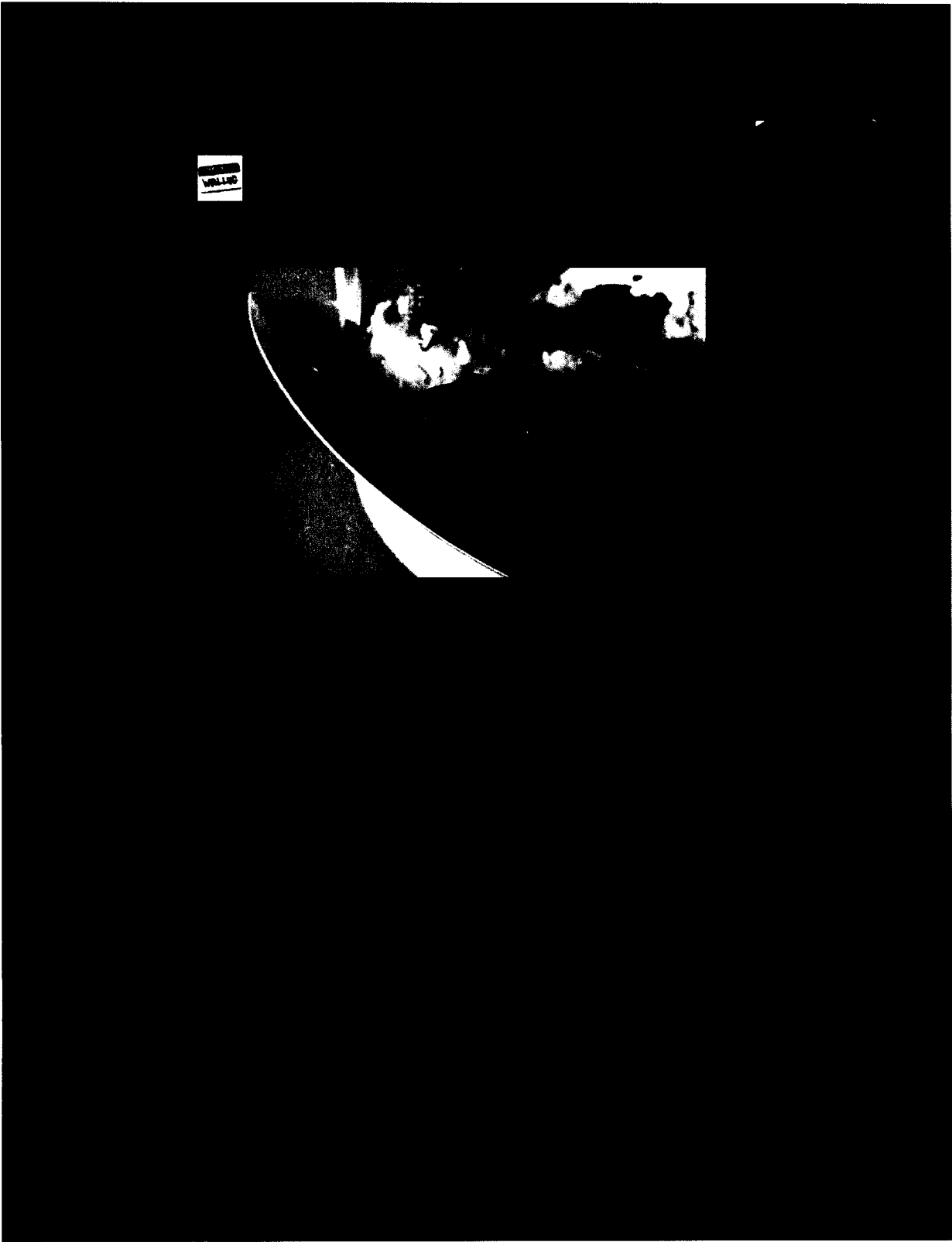
Downtown, Connie Aragona brought 10,000 pounds of jumbo shrimp to the rally to introduce her award-winning product - also hot and spicy - to the mainland. "I need to sell them all by Sunday," said Aragona, who has sold Giovanni's Aloha Shrimp from a truck on Oahu's North Shore since 1994. She sells 6,000 pounds of shrimp a month, cooked to order.

Her 1951 Ford truck has become a landmark there, and Aragona and two business partners hope to market their garlic marinade and hot sauce on the mainland.

The shrimp scampi she's selling at the rally is marinated in chopped garlic, olive oil, lemon, butter and white wine, then sauteed, giving it a strong flavor. It's served on a bed of steamed rice with roasted garlic on top. Hot sauce, made using a recipe from Aragona's great-great-grandparents, is optional. The marinade is a recipe Aragona got from her ex-mother-in-law, a native of Naples. Giovanni is Aragona's ex-husband.

Aragona rides a Harley in Hawaii and had always heard about the Sturgis rally. She decided to launch her product's mainland debut here and already is planning to return next year.

A native of Mozambique who is of Portuguese descent, this is Aragona's first time in the Midwest and her



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O'ahu - Kahuku: Giovanni's Shrimp Truck - Shrimp Scampi

Giovanni's Shrimp Truck, a graffiti-covered white shrimp truck, is the oldest and one of the best known shrimp trucks on O'ahu's north shore. Usually parked off Kamehameha Highway just past Puuluana Street in Kahuku, Giovanni's is famous for their shrimp scampi, but also serve a hot and spicy shrimp and a lemon and butter shrimp. Started in 1993 by the Aragona family, Giovanni's was sold to Troy Nitsche in 1997. Giovanni's sells an average of 400 plates of shrimp a day.

Comments and faves

Figure 1. The effect of the concentration of the *Agaricus bisporus* spores on the growth of *Agaricus bisporus* and *Agaricus bisporus* spores on the growth of *Agaricus bisporus*. The concentration of the *Agaricus bisporus* spores was 10⁶ spores/ml (A), 10⁷ spores/ml (B), 10⁸ spores/ml (C), 10⁹ spores/ml (D), 10¹⁰ spores/ml (E), 10¹¹ spores/ml (F), 10¹² spores/ml (G), 10¹³ spores/ml (H), 10¹⁴ spores/ml (I), 10¹⁵ spores/ml (J), 10¹⁶ spores/ml (K), 10¹⁷ spores/ml (L), 10¹⁸ spores/ml (M), 10¹⁹ spores/ml (N), 10²⁰ spores/ml (O), 10²¹ spores/ml (P), 10²² spores/ml (Q), 10²³ spores/ml (R), 10²⁴ spores/ml (S), 10²⁵ spores/ml (T), 10²⁶ spores/ml (U), 10²⁷ spores/ml (V), 10²⁸ spores/ml (W), 10²⁹ spores/ml (X), 10³⁰ spores/ml (Y), 10³¹ spores/ml (Z).

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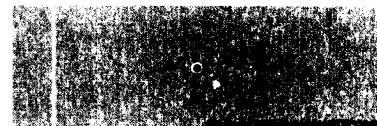
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Giovanni's Original White Shrimp Truck

Says it all. Around for 11 years, this institution among North Shore shrimp stops is the oldest and best known, making *Southern Living*'s 100 List for 2004. Started by the Aragoni family, Giovanni's was sold to current owner, Troy Nische in 1997.

The traditional style shrimp scampi plate (\$11) has 12 de-veined Neig bor island shrimp swimming in a succulent, mildly spicy sauce. We couldn't help eating all of the sauce-soaked two scoops of rice even though we were starting to feel the effects of the shrimp and butter.

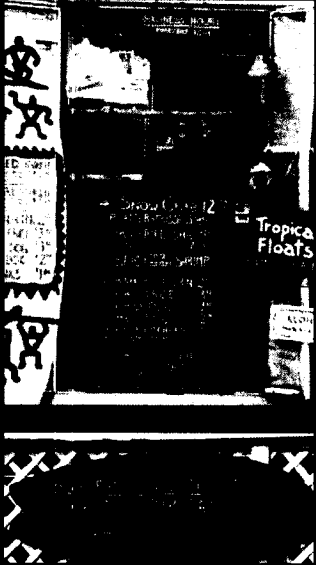
Hawaii Shrimp Shacks

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Bright banana yellow Shrimp Shack in Punalu'u is the cleanest and quaintest shrimp stop. Owner Irene Theofanis has operated it for 9 years and has featured on a Food Network special called "Beach Eats." Theofanis uses Kauai shrimp and believes them to be cleaner because of their special diet and a well-controlled environment in plastic-lined pens with recirculated water.

The quarter pound of pan-fried garlic shrimp at \$9.75, the least expensive plate, equaled 12 pieces and arrived with rice and a choice of home-made cocktail sauce or garlic butter on the side. The shrimp packed just a bit of spice, tasting as if they had been sautéed in a dry spice rub and lightly salted.

Wash it all down with a liliko'i float (\$1.75) or a cold beer from Kaya's next door.

...



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Known for it's succulent shrimp morsels served up hot and tasty, Giovanni's Aloha Foods has been pleasing palettes since 1997. Giovanni's Hot & Spicy Sauce, a sauce almost as hot as volcanic lava, has been known to bring customers to their knees; while the mild, but flavor-packed, Giovanni's Scampi Marinade has brought nothing but delight to customers. AND NOW **YOU CAN BUY IT IN A BOTTLE!**

Our Customers Say

"Our friend told us to stop at the "White Shrimp Truck" in Kahuku, and we're glad we did! The garlic scampi was our family's overall favorite, and I loved the Hot & Spicy. I really mean it! I collect hot sauce from all over the place, Barbados to Belize, Louisiana to Los Angeles, and your secret African Roots and spice are truly unique. I can't wait till you start bottling it."

— Eddie, Terry & Jacob Coleman,
Venice, Calif.

"Thanks for serving some of Oahu's finest, tastiest, freshest shrimp scampi. We really enjoyed dining daily at the white shrimp truck, during our recent vacation. Your shrimp is the BEST!"

— Harry & Rochelle Pillion, University Heights,

"We think your shrimp scampi is the best we have eaten anywhere."

— Jim & Mary Jane West Lufkin, Texas

"You have been one of "A list" stops on our list of must see sights on Oahu. As always it was the most scrumptious meal."

— Lou Harris San Mateo, California

"Still looking forward to seeing you and having your famous shrimp sauces."

— Gerda Vienna, Austria


"I miss talking to you and eating your incredible shrimp. I'll see you soon in paradise."

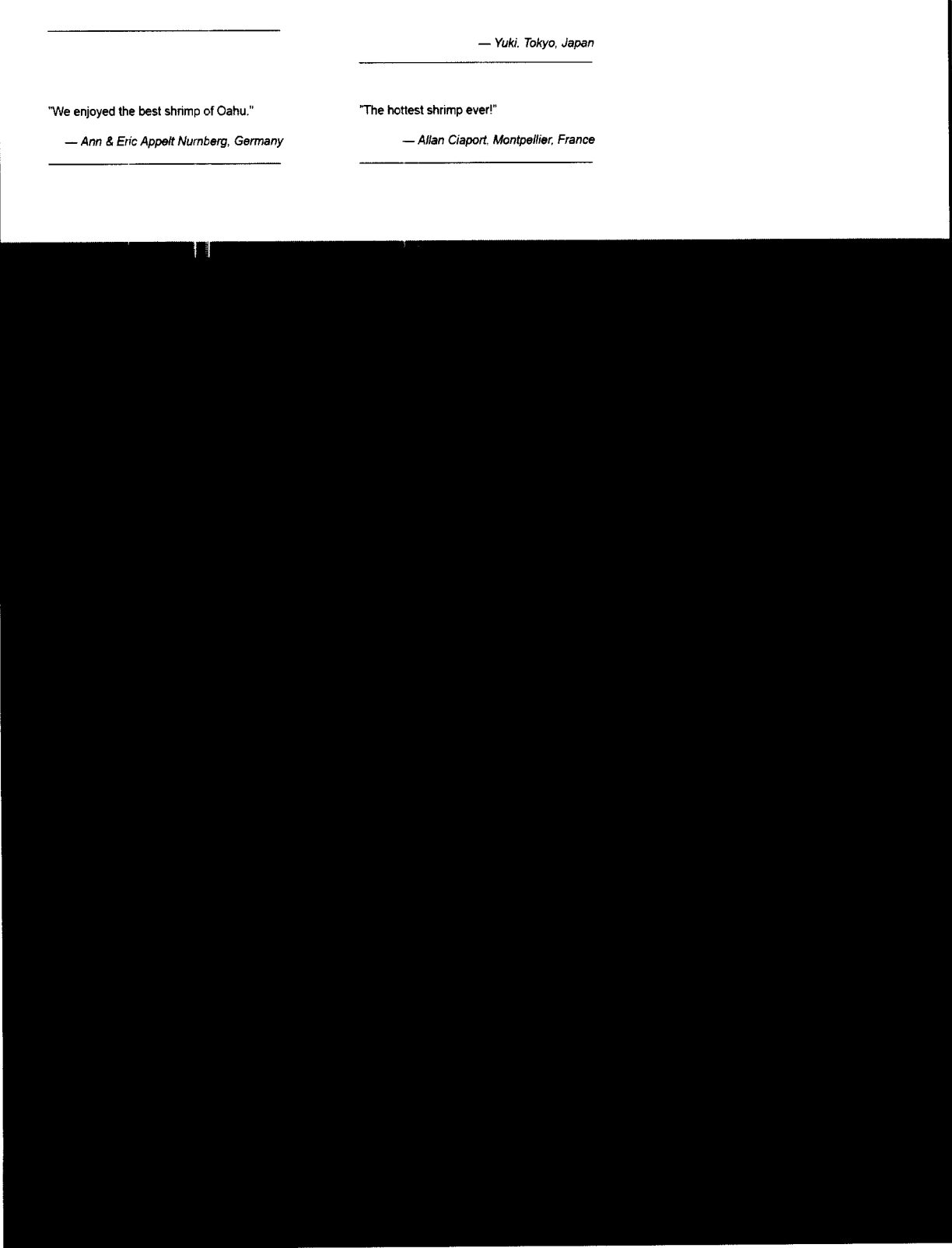
— Yasser Alexandria, Egypt

"The thing I miss most is my shrimp fix."

— Pat & Clyde Jacobs Vancouver, Canada

"Best shrimp ever!"





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Posted on: Friday, September 24, 2004

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What's a drive in the country without shrimp?

Editor's note: Today we introduce our new restaurant critic, Helen Wu, a graduate of the University of Hawai'i (Asian studies) and of the Kapi'olani Community College culinary arts program, where she received outstanding- student and culinary-excellence awards, and also wrote for Kapiro, the student journal. Wu wrote for The Advertiser while in school, as well.

By Helen Wu
Advertiser Restaurant Critic

No drive to the North Shore is complete without a meal at one of the shrimp stands that have sprouted along the highway as a result of the development of aquaculture farms here. These are now are some of the most recognized dining spots in an area of the island not known for food.

My mission was to compare and contrast the shrimp shacks, and I brought my mother (a self-professed shrimp fanatic who can suck in a whole shrimp, head and all, and just spit out the shell). During two forays, we tried garlic butter scampi-style shrimp plates at a half-dozen spots. One caution: Shrimp shacks come and go, and hours vary. Be flexible.

Shrimp Shack

Bright banana-yellow Shrimp Shack in Punalu'u is the cleanest and quaintest shrimp stop. Owner Irene Theofanis has operated it for six years and was featured on a Food Network special called "Beach Eats." Theofanis uses Kaua'i shrimp and believes they are cleaner because of their special diet and a well-controlled environment in plastic-lined pens with recirculated water.

The quarter-pound of pan-fried garlic shrimp (at \$9.75, the least expensive plate) equaled 12 pieces and arrived with rice and a choice of homemade cocktail sauce or garlic butter on the side. The shrimp packed just a bit of spicy heat, tasting as if they had been saut'Ued in a dry spice rub and lightly salted. Wash it all down with a liliko'i float (\$1.75) or a cold beer from Kaya's next door.

Also on the menu: snow crab legs (\$12.75); mussels (\$8.25); chili rice (\$3.50); hot dog (\$2); Kahuku corn on a stick (\$2).

Ambience: 11 shaded wooden picnic tables on a manicured lawn. Hawaiian music wafts in the background.

Giovanni's Original White Shrimp Truck

The sign for graffiti-covered Giovanni's Original White Shrimp Truck says it all. Around for 11 years, this institution among North Shore shrimp stops is the oldest and best known, making Saveur magazine's 100 list for 2004. Started by the Aragona family, Giovanni's was sold to current owner Troy Nitsche in 1997. By the time you read this, a new, modernized shrimp truck will have replaced the old one in Kahuku. New graffiti already are beginning to decorate it.

The traditional-style shrimp scampi plate (\$11) had 12 de-veined Neighbor Island shrimps swimming in a succulent, mildly spicy sauce. We couldn't help eating all of the sauce-soaked two scoops of rice even though we were starting to feel the effects of the shrimp and butter. Lots of garlic chunks in the sauce and a huge lemon wedge offer extra flavor. It's easy to see why Giovanni's sells an average of 400 plates a day.

Also on the menu: hot and spicy and lemon butter saut'Ued shrimp. Half plates, \$6.

Ambience: at Kahuku location, six shaded plastic picnic tables set on gravel with requisite Hawaiian music. The Hale'iwa site offers three tables but no shade.

Famous Kahuku Shrimp Truck

The Famous Kahuku Shrimp Truck is nearly a twin of Giovanni's but with an Asian spin. Owner



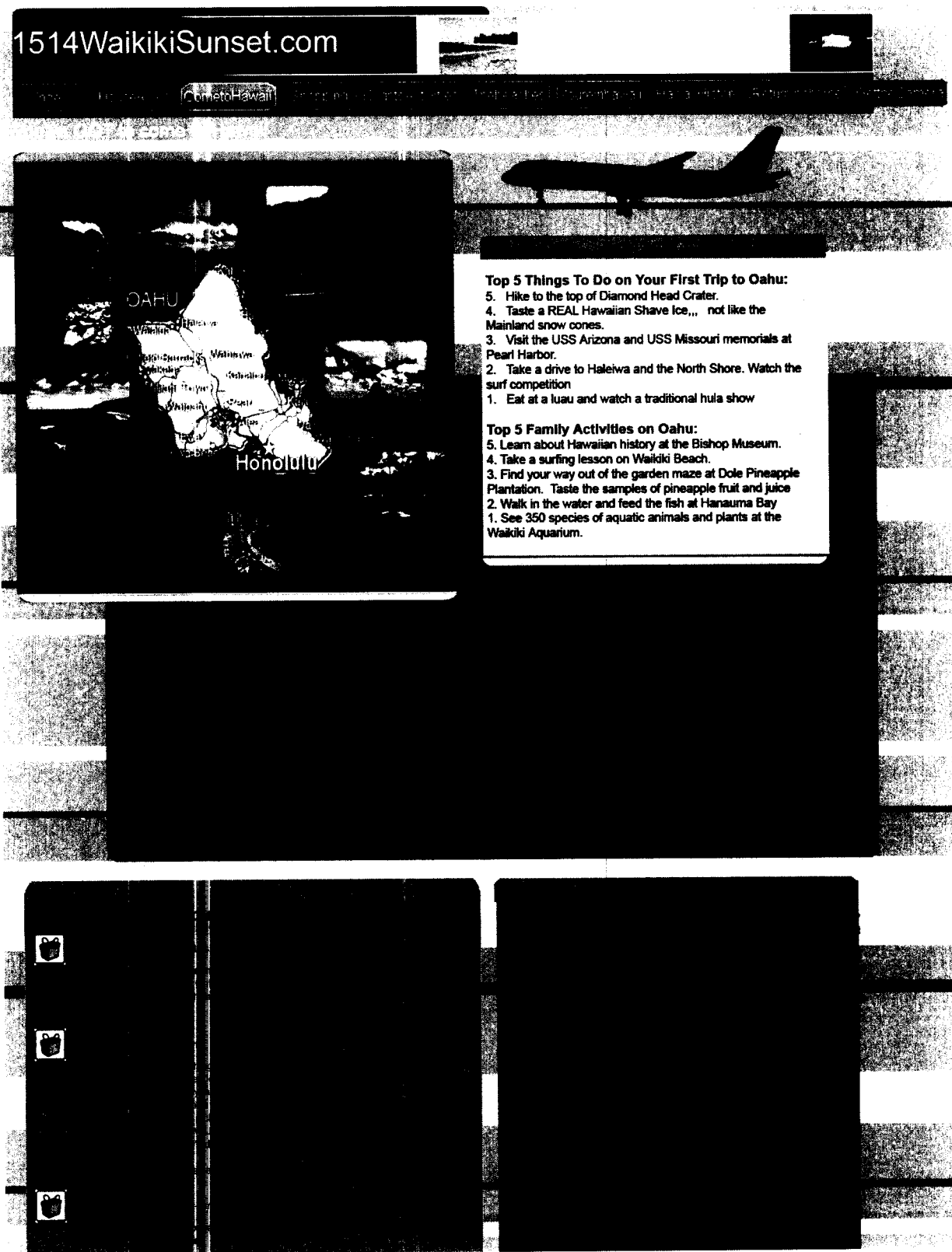
At Romy's Kahuku Prawns & Shrimp Hut, after the big crustaceans are put on the plate, a sauce loaded with saut'Ued garlic chunks is ladied on. The shrimp and prawns are harvested daily from ponds.
Deborah Booker - The Honolulu Advertiser

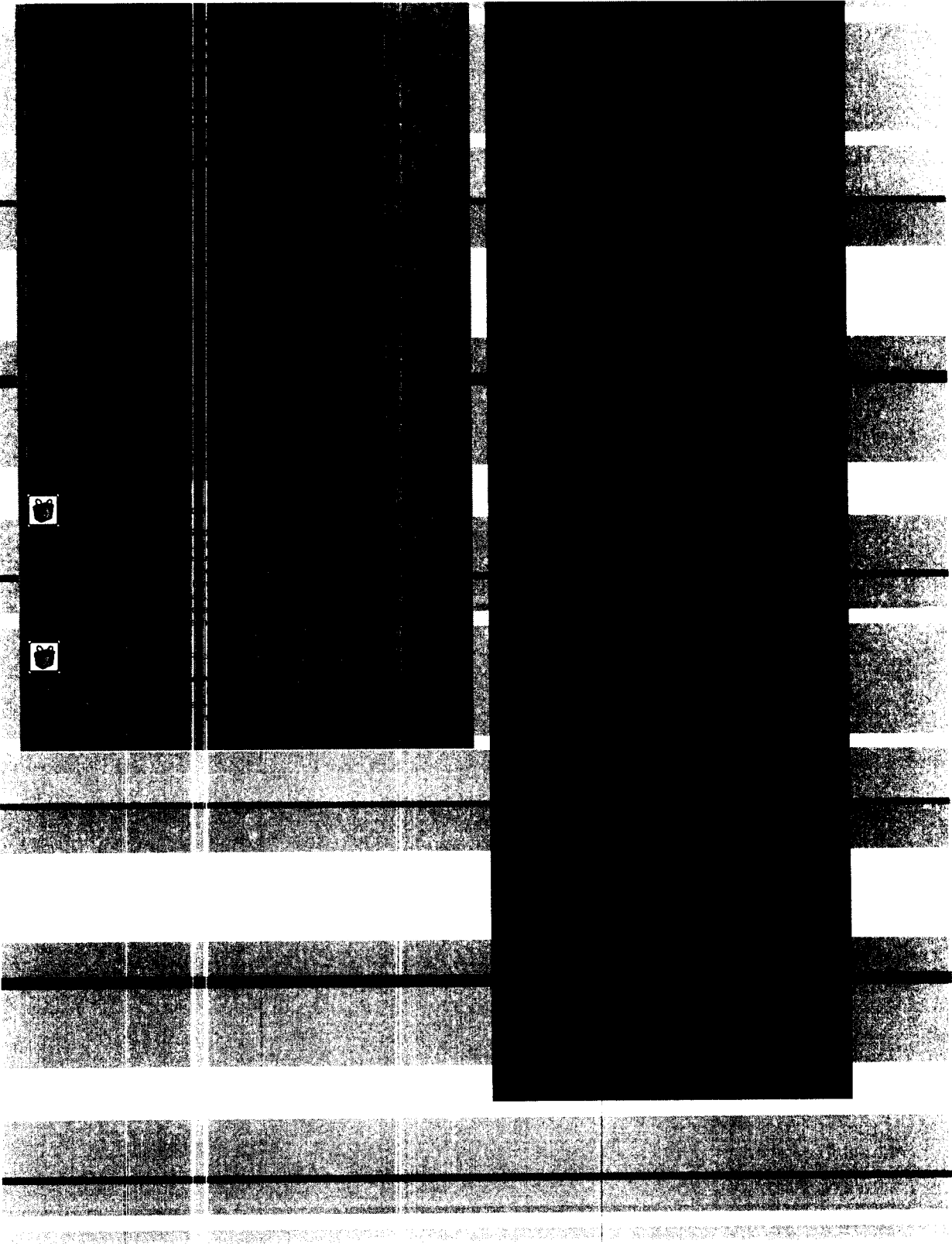
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Subject: U.S. TRADEMARK APPLICATION NO. 85201283 - GIOVANNI'S ORIGINAL WHITE SHRIMP - N/A
Sent: 3/21/2011 3:56:53 PM
Sent As: ECOM117@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
[Attachment - 6](#)
[Attachment - 7](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

APPLICATION SERIAL NO. 85201283

MARK: GIOVANNI'S ORIGINAL WHITE SHRIMP

85201283

CORRESPONDENT ADDRESS:
LUCKYU ENTERPRISES, INC.
LUCKYU ENTERPRISES, INC.
57-120 LALO KUILIMA WAY APT 12
KAHUKU, HI 96731-2122

CLICK HERE TO RESPOND TO THIS LETTER:
<http://www.uspto.gov/teas/eTEASpageD.htm>

APPLICANT: LuckyU Enterprises, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:
gioshrimp@aol.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 3/21/2011

LuckyU 001688

TO EXPEDITE APPLICATION:

The issue(s) raised may be resolved by telephone. The applicant may telephone the examining attorney at (571) 272-9713 or skye.young@uspto.gov, instead of submitting a written response, to expedite the application.

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SEARCH

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

DISCLAIMER

Applicant must disclaim the descriptive wording **"ORIGINAL WHITE SHRIMP TRUCK"** apart from the mark as shown because it merely describes an ingredient, function, feature and purpose of applicant's services. *See* 15 U.S.C. §§1052(e)(1), 1056(a); *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005); *In re Gyulay*, 820 F.2d 1216, 1217-18, 3 USPQ2d 1009, 1010 (Fed. Cir. 1987); TMEP §§1213, 1213.03(a).

Attached to this action, the applicant will find a dictionary reference wherein the term "original" is defined as "preceding all others in time; first." *See* attachments. The attached advertisement from www.frommers.com indicates advertises that the applicant's service "claims to be the first shrimp truck to serve the delicious aquaculture shrimp farmed in the surrounding area" of north shore of Oahu. *See* attached.^[1]

A term is merely descriptive if it conveys **an immediate idea** of the ingredients, qualities, or characteristics of the identified goods and/or services. *See In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1422 (Fed. Cir. 2005); *In re Dial-A-Mattress Operating Corp.*, 240 F.3d 1341, 1346, 57 USPQ2d 1807, 1812 (Fed. Cir. 2001). When used in relation to the services, the immediate idea rendered by the wording ORIGINAL WHITE SHRIMP TRUCK describes the applicant's services. Specifically, it merely informs consumers that the applicant's provision of food and drink services include being the first to serve white shrimp from a truck. Given the descriptive nature of the wording, it lacks source identifying significance and, thus, must be disclaimed.

A "disclaimer" is a statement that applicant does not claim exclusive rights to an unregistrable component of a mark; it does not affect the appearance of the mark. TMEP §1213. An unregistrable component of a mark includes wording and designs that are merely descriptive of the goods and/or services, and is wording or an illustration that others would need to use to describe or show their goods and services in the marketplace. 15 U.S.C. §1052(e); *see* TMEP §§1209.03(f), 1213.03 *et seq.*

The following is the standard format used by the Office:

**No claim is made to the exclusive right to use "ORIGINAL WHITE SHRIMP TRUCK"
apart from the mark as shown.**

LuckyU 001689

TMEP §1213.08(a)(i); *see In re Owatonna Tool Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

SPECIMEN

The specimen is not acceptable because it is merely a photocopy of the drawing or a picture or rendering of the applied-for mark; it does not show the applied-for mark in actual use in commerce. *See* 37 C.F.R. §2.56(c); TMEP §§904.04(a), 904.07(a). Trademark Act Section 45 requires use of the mark “in the sale or advertising of services.” 15 U.S.C. §1127; *see* 37 C.F.R. §2.56(b)(2); TMEP §1301.04.

An application based on Section 1(a) must include a specimen showing the applied-for mark in use in commerce for each class of services. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a).

Therefore, applicant must submit the following:

- (1) A substitute specimen showing the mark in use in commerce for each class of services specified in the application; and
- (2) The following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: “**The substitute specimen was in use in commerce at least as early as the filing date of the application.**” 37 C.F.R. §2.59(a); TMEP §904.05; *see* 37 C.F.R. §2.193(e)(1). If submitting a substitute specimen requires an amendment to the dates of use, applicant must also verify the amended dates. 37 C.F.R. §2.71(c); TMEP §904.05.

Examples of specimens for services are signs, photographs, brochures, website printouts or advertisements that show the mark used in the actual sale or advertising of the services. *See* TMEP §§1301.04 *et seq.*

If applicant cannot satisfy the above requirements, applicant may amend the application from a use in commerce basis under Section 1(a) to an intent to use basis under Section 1(b), for which no specimen is required. *See* TMEP §806.03(c). However, if applicant amends the basis to Section 1(b), registration will not be granted until applicant later amends the application back to use in commerce by filing an acceptable allegation of use with a proper specimen. *See* 15 U.S.C. §1051(c), (d); 37 C.F.R. §§2.76, 2.88; TMEP §1103.

To amend to Section 1(b), applicant must submit the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: “**Applicant has had a bona fide intention to use the mark in commerce on or in connection with the services listed in the application as of the filing date of the application.**” 37 C.F.R. §2.34(a)(2); TMEP §806.01(b); *see* 15 U.S.C. §1051(b); 37 C.F.R. §§2.35(b)(1), 2.193(e)(1).

Pending receipt of a proper response, registration is refused because the specimen does not show the applied-for mark in use in commerce as a service mark. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a).

PLEASE NOTE:

If applicant has questions about the application or this Office action, please telephone the assigned trademark examining attorney at the telephone number below.

LuckyU 001690

/C. Skye Young/
Trademark Examining Attorney
Law Office 117
Ph: (571) 272-9713
Fx: (571) 273-9117
Em: skye.young@uspto.gov

TO RESPOND TO THIS LETTER: Go to <http://www.uspto.gov/teas/eTEASpageD.htm>. Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.

^[1] Material obtained from the Internet is generally accepted as competent evidence in examination and ex parte proceedings. See *In re Rodale Inc.*, 80 USPQ2d 1696, 1700 (TTAB 2006) (Internet evidence accepted by the Board to show genericness); *In re White*, 80 USPQ2d 1654, 1662 (TTAB 2006) (Internet evidence accepted by the Board to show false connection); *In re Joint-Stock Co. "Baik"*, 80 USPQ2d 1305, 1308-09 (TTAB 2006) (Internet evidence accepted by the Board to show geographic significance); *Fram Trak Indus. v. WireTracks LLC*, 77 USPQ2d 2000, 2006 (TTAB 2006) (Internet evidence accepted by the Board to show relatedness of goods); *In re Consol. Specialty Rest. Inc.*, 71 USPQ2d 1921, 1927-29 (TTAB 2004) (Internet evidence accepted by the Board to show that geographic location is well-known for particular goods); *In re Gregory*, 70 USPQ2d 1792, 1793 (TTAB 2004) (Internet evidence accepted by the Board to show surname significance); *In re Fitch IBCA Inc.*, 64 USPQ2d 1058, 1060 (TTAB 2002) (Internet evidence accepted by the Board to show descriptiveness); TBMP §1208.03; TMEP §710.01(b).

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o-rig-i-nal

(ə-rij'ə-nəl) KEY

ADJECTIVE:

1. Preceding all others in time, first

2.

a. Not derived from something else; fresh and unusual: *an original play, not an adaptation.*

b. Showing a marked departure from previous practice; new: *a truly original approach.* See Synonyms at new.

3. Productive of new things or new ideas; inventive: *an original mind.*

4. Being the source from which a copy, reproduction, or translation is made.

Word of the Day

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Definition: (noun)

connection to the matter at hand.

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LuckyU 001692

NOUN:

- 1. A first form from which other forms are made or developed: *Later models of the car retained many features of the original.*
- 2.
 - a. An authentic work of art: *bought an original, not a print.*
 - b. Work that has been composed firsthand: *kept the original but sent a photocopy to his publisher.*
- 3. A person who is appealingly odd or curious; a character.
- 4. Archaic The source from which something arises; an originator.

ETYMOLOGY:

Middle English, from Old French, from Latin originālis, from orīgō, or Igin-, *source* ; see **origin**

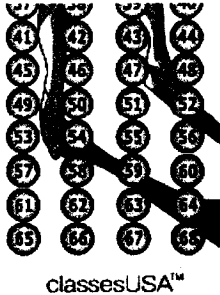
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These search terms are highlighted: **giovanni's original white** These terms only appear in links pointing to this page: **address**

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Restaurants

You won't go hungry on Oahu. The full range of choices here includes chef-owned glamour restaurants, neighborhood eateries, fast-food joints, ethnic spots, and restaurants and food courts in shopping malls.

Our recommendations are organized by location, beginning with Waikiki, proceeding to neighborhoods west and east of Waikiki, and ending with the Windward Coast and the North Shore.

The culinary scene seems to change each year, and the current trends in Hawaii center on emphasizing organic and locally grown produce (with some restaurants actually naming the farms that grew the lettuce), small plates, sample tastings and even bite-size desserts, interesting and unusual specialty sandwiches on a variety of breads (from spelt to wraps), and exotic salt (in a range of colors and flavors). Hawaii regional cuisine and Pacific regional cuisine still reign supreme in Hawaii, as well as Pan-Asian and Mediterranean.

Whatever you have a hankering for, you'll find it on Oahu. My advice is to be adventurous, try new and different cuisine, and sample foods you've never heard of. It's moments like these



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Current Maps	new and different cuisine, and sample foods you've never heard of. It's moments like these that create great memories.
• Oahu Forum	
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Most Recent Destination Forum Posts	Waikiki
Most Recommended Articles	Dining in Waikiki 24-7 -- If your flight to Honolulu arrives late and you're starving, your knight in shining armor in Waikiki is the newly opened MAC 24-7 (which stands for Modern American Cooking, 24 hours a day, 7 days a week), at the Hilton Waikiki Prince Kuhio Hotel , 2500 Kuhio Ave. (at Liliuokalani Ave.; tel. 808/921-5564). All day, every day, the kitchen offers everything from breakfast, lunch, and dinner to snacks and desserts, and the bar pours drinks all day, except between 4 and 6am. It's not just for late-night dining (although it comes in handy, as Waikiki eateries shut down by 10-11pm), it's also a great place to get picnic lunches during the day.
Most Commented Articles	The cuisine is coffee shop/diner "comfort" food, reasonably priced for Waikiki (\$4-\$28, with most entrees in the \$15-\$28 range), and plenty of it. Portions can feed two and, in some cases, three people. My pick for best meal of the day is breakfast, where the six-pack of buttery cinnamon rolls (\$6) will feed three and the yummy wild blueberry pancakes (\$15) are supersized (three pancakes, each one 14 in. in diameter), plenty for two hungry people. Another must-try from the menu: the delicious meatloaf with garlic mashed potatoes and mushroom gravy (\$18). The view from the floor-to-ceiling windows is of the landscaped gardens in the lobby. The decor is sophisticated but sparse with splashes of bright color, and the waitstaff is friendly and helpful.
	Downtown
	Downtowners love the informal walk-in cafes lining one side of attractive Bishop Square , at 1001 Bishop St. (at King St.), in the middle of the business district, where free entertainment is offered every Friday during lunch hour. The popular Che Pasta is a stalwart here, chic enough for business meetings but not too formal (or expensive) for a spontaneous rendezvous over pasta and minestrone. Some places in Bishop Square open for breakfast and lunch, others just for lunch, but most close when business offices empty.
	Note: Keep in mind that Restaurant Row (Ala Moana Blvd., btw. Punchbowl and South St.), which features several hot new establishments, offers free validated parking in the evening.
	The North Shore
	The [redacted] Trucks -- The best, sweetest, juiciest [redacted] you are ever going to eat will be from a [redacted] [redacted] on Oahu's North Shore. Several trucks line up around the entry to Haleiwa, just off the Kamehameha Highway, but here are my two favorites:
	Giovanni's Original White Shrimp Truck (tel. 808/293-1839), which usually parks across the street from the Haleiwa Senior Housing (or McDonald's), claims to be the first shrimp truck to serve the delicious aquaculture shrimp farmed in the surrounding area. The menu is simple: spicy (garlic, onion and butter) shrimp , (or the lemon and butter (boring), and go for the garlic (my fave) or the spicy (but beware, it really packs a punch). The battered white truck has picnic tables under its awning, so you can munch away right there.
	Holy Smokes: Hawaiian Meats and Seafood , the other [redacted] parked in the same area, has a bit more extensive menu; in addition to the famous [redacted], it offers pork spare ribs (\$10), smoked chicken (\$8), and a steak plate (\$18).

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smoked chicken (\$9), and a steak plate (\$12).

The trucks are usually in place before noon and stay until about sunset. Depending on how much  you can down, expect to spend no more than \$12 per person.

LUAU! -- The sun is setting, the Tiki torches are lit, the pig is taken from the *imu* (an oven in the earth), the drums begin pounding -- it's luau time! And now there is a luau on the North Shore, the **Turtle Bay Resort** presents its **Voyages of Polynesia Luau** on the lawn overlooking the ocean. It includes a "Taste of the Islands" luau buffet and a Polynesian revue featuring the songs and dances of the Tuamotu Islands, Samoa, Tahiti, Fiji, and Hawaii. Tickets for the Friday-night dinner and show are \$95 for adults and \$65 for children ages 4 to 11. To book, call tel. **808/293-6000**.

Hey, No Smoking in Hawaii

Well, not totally no smoking, but Hawaii has one of the toughest laws against smoking in the U.S. It's against the law to smoke in public buildings, including airports, shopping malls, grocery stores, retail shops, buses, movie theaters, banks, convention facilities, and all government buildings and facilities. There is no smoking in restaurants, bars, and nightclubs. Most bed-and-breakfasts prohibit smoking indoors; more and more hotels and resorts are becoming nonsmoking, even in public areas. Also, there is no smoking within 20 feet of a doorway, window, or ventilation intake (no hanging around outside a bar to smoke, you must go 20 ft. away). Even some beaches have no-smoking policies (and on those that allow smoking, you'd better pick up your butts and not use the sand as your own private ashtray -- or face stiff fines). In Hawaii, breathing fresh clean air is "in" and smoking is "out."

Room Service from 50 Different Restaurants

You are not limited to the room service menu in your hotel room; **Room Service in Paradise** (tel. **808/941-DINE** [3463]; www.941-dine.com) delivers almost a dozen different cuisines (from American/Pacific Rim to Italian to sandwiches and burgers) from oodles of restaurants to your hotel room. All you do is select a restaurant and order what you want (peruse the online menus or pick up one of the magazines in various Waikiki locations). You are charged for the food, a \$7.25 to \$8.25 delivery charge in Waikiki (more in outlying areas), and a tip for the driver. Both lunch and dinner are available; call in advance, and your food will be delivered whenever you want. Best of all, you can pay with your credit card.

Tasty Tours for the Hungry Traveler

See Honolulu -- one restaurant at a time. Former Honolulu newspaper food critic and chef Matthew Gray has put together **"Hawaii Food Tours"** to show you a side of Hawaii that you would not discover on your own. He offers three different types of tours, all with transportation from your Waikiki hotel in an air-conditioned van and all with running commentary on Hawaii's history, culture, and architecture. Our favorite was the "Hole-in-the-Wall Tour," a lunch tour from 10am to 2pm for \$99 per person, where you visit at least four different ethnic restaurants (Vietnamese, Indian, local food, and dessert). Mathew has already preordered the best dishes from their menus. He also offers the "Hawaiian Feast in Paradise," a three-course feast in contemporary Hawaiian foods for \$149, and a "Gourmet Trilogy Tour" of three different restaurants with everything from champagne to a decadent dessert for \$199 per person. For information and booking, call tel. **800/715-2468** or 808/926-FOOD [3663], or go to www.hawaiifoodtours.com.

Attention Condo Dwellers: Fix, Freeze & Feed Dinners

If you are staying in a condo or other accommodations with kitchen facilities, there is an alternative to eating out every night or slaving over a stove during your vacation, and its name is Dream Dinners. **Dream Dinners**, Niu Valley Shopping Center, 549 Halemaumau St. (tel. **808/373-1221**; www.dreamdinners.com), is a "meal assembly kitchen," where you gather all the ingredients for your own heat-and-serve meals, using the recipes and prepared ingredients they provide. After signing up online and booking an appointment, you go through an assembly line choosing various fixings for your entrees. You can freeze or just refrigerate the meals and serve a gourmet dinner for a fraction of the cost of eating out. When this guide was published, entrees (which included chicken with honey, garlic, and orange; lemon fish filets; arroz con pollo; lasagna; steakhouse sirloin; and risotto primavera) ranged in price from \$4 to \$6 per serving. The downsides of this great money-saver are that it's only best for groups or families (you choose 3-6 servings per dinner), it's located in Niu Valley (away from most visitor accommodations), and you need at least 1 to 2 hours to do your "shopping."

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To: LuckyU Enterprises, Inc. (gioshrimp@aol.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85201283 - GIOVANNI'S ORIGINAL WHITE SHRIMP - N/A
Sent: 3/21/2011 3:56:57 PM
Sent As: ECOM117@USPTO.GOV
Attachments:

IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION

Your trademark application (Serial No. 85201283) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office (“USPTO”) has written a letter (an “Office Action”) on 3/21/2011 to which you must respond. Please follow these steps:

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2. Respond within 6 months, calculated from **3/21/2011** (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System **Response to Office Action form**. If you have difficulty using the USPTO website, contact TDR@uspto.gov.

3. Contact the examining attorney who reviewed your application with any questions about the content of the office letter:

/C. Skye Young/
Trademark Examining Attorney
Law Office 117
Ph: (571) 272-9713
Fx: (571) 273-9117
Em: skye.young@uspto.gov

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LuckyU 001699

*** User:syoung ***

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Session started 3/20/2011 9:57:19 PM

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Trademark/Service Mark Application, Principal Register

Serial Number: 85201283
Filing Date: 12/18/2010

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85201283
MARK INFORMATION	
*MARK	<u>Giovanni's Original White Shrimp Truck</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Giovanni's Original White Shrimp Truck
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	LuckyU Enterprises, Inc.
DBA/AKA/TA/Formerly	DBA Giovanni's Original White Shrimp Truck
*STREET	57-120 Lalo Kuilima Way, #12
*CITY	Kahuku
*STATE (Required for U.S. applicants)	Hawaii
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	96731
PHONE	808-630-9116
FAX	808-638-0110
EMAIL ADDRESS	gioshrimp@aol.com

LuckyU 001701

AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Hawaii
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	043
*IDENTIFICATION	Providing of food and drink; Providing of food and drink via a mobile truck; Restaurant services, including sit-down service of food and take-out restaurant services; Restaurant services, namely, providing of food and beverages for consumption on and off the premises; Serving food and drinks
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 03/01/1998
FIRST USE IN COMMERCE DATE	At least as early as 03/01/1998
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	<u>spec-7223480161-162959180 . Giovanni.pdf</u>
CONVERTED PDF FILE(S) (1 page)	<u>\\TICRS\EXPORT11\IMAGEOUT11\852\012\85201283\xml1\APP0003.JPG</u>
SPECIMEN DESCRIPTION	Words used to identify business.
CORRESPONDENCE INFORMATION	
NAME	LuckyU Enterprises, Inc.
FIRM NAME	LuckyU Enterprises, Inc.
STREET	57-120 Lalo Kuilima Way, #12
CITY	Kahuku
STATE	Hawaii
COUNTRY	United States
ZIP/POSTAL CODE	96731
PHONE	808-630-9116
FAX	808-638-0110
EMAIL ADDRESS	

LuckyU 001702

EMAIL ADDRESS	gioshrimp@aol.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/Troy Nitsche/
SIGNATORY'S NAME	Troy Nitsche
SIGNATORY'S POSITION	President
DATE SIGNED	12/18/2010

LuckyU 001703

Trademark/Service Mark Application, Principal Register

Serial Number: 85201283

Filing Date: 12/18/2010

To the Commissioner for Trademarks:

MARK: Giovanni's Original White Shrimp Truck (Standard Characters, see mark)

The literal element of the mark consists of Giovanni's Original White Shrimp Truck.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, LuckyU Enterprises, Inc., DBA Giovanni's Original White Shrimp Truck, a corporation of Hawaii, having an address of

57-120 Lalo Kuilima Way, #12

Kahuku, Hawaii 96731

United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 043: Providing of food and drink; Providing of food and drink via a mobile truck; Restaurant services, including sit-down service of food and take-out restaurant services; Restaurant services, namely, providing of food and beverages for consumption on and off the premises; Serving food and drinks

In International Class 043, the mark was first used at least as early as 03/01/1998, and first used in commerce at least as early as 03/01/1998, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Words used to identify business..

Original PDF file:

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Converted PDF file(s) (1 page)

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The applicant's current Correspondence Information:

LuckyU Enterprises, Inc.

LuckyU Enterprises, Inc.

57-120 Lalo Kuilima Way, #12

Kahuku, Hawaii 96731

808-630-9116(phone)

808-638-0110(fax)

LuckyU 001704

gioshrimp@aol.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Troy Nitsche/ Date Signed: 12/18/2010

Signatory's Name: Troy Nitsche

Signatory's Position: President

RAM Sale Number: 7402

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Serial Number: 85201283

Internet Transmission Date: Sat Dec 18 17:18:39 EST 2010

TEAS Stamp: USPTO/BAS-72.234.80.161-2010121817183969

8655-85201283-47063f5f5fab16b2e57c54854c

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Giovanni's Original White Shrimp Truck

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Giovanni’s Original White Shrimp Truck

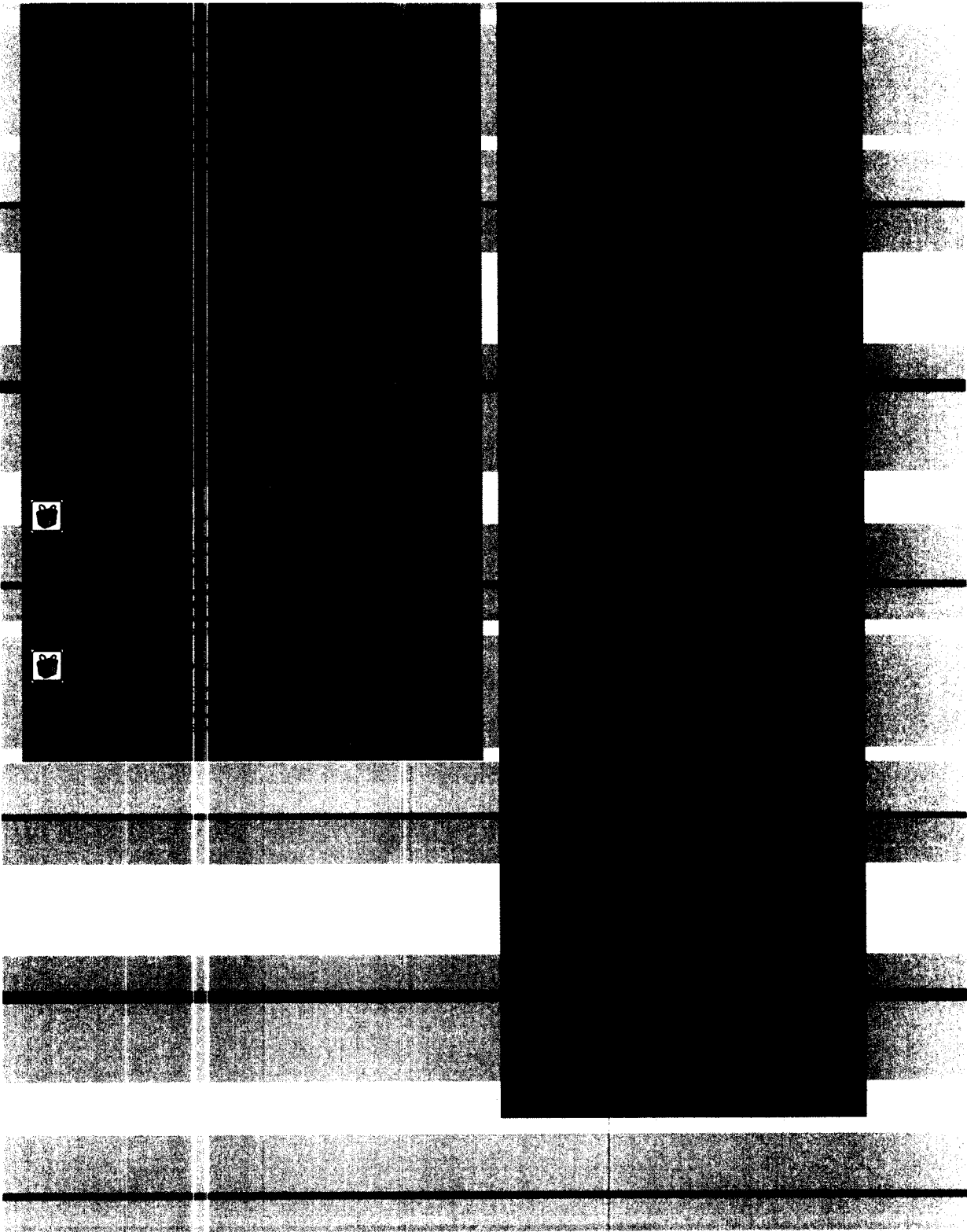
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Shrimp Snacks

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Shrimp Snacks

No drive to the North Shore is complete without a shrimp stop. Shrimp stands dot Kamehameha Highway from Kahaluu to Kahuku. For under \$10, you can get a shrimp plate lunch or a snack of chilled shrimp with cocktail sauce, served from a rough hut or converted vehicle (many permanently parked), with picnic-table seating.

The shrimp shack phenomenon began with a lost lease and a determined restaurateur. In 1994, when Giovanni and Connie Aragona couldn't renew the lease on their Haleiwa deli, they began hawking their best-selling dish—an Italian-style scampi preparation involving lemon, butter, and lots of garlic—from a truck alongside the road. About the same time, aquaculture was gaining a foothold in nearby Kahuku, with farmers raising sweet, white shrimp and huge, orange-whiskered prawns in shallow freshwater ponds. The ready supply and the success of the first shrimp truck led to many imitators.

Though it's changed hands, that first business lives on as Giovanni's Original Shrimp Truck, parked in Kahuku town. Signature dishes include the garlic shrimp and a spicy shrimp sauté, both worth a stop.

But there's plenty of competition—at least seven stands, trucks, or stalls are operating at any given time, with varying menus (and quality).

Don't be fooled that all of the shrimp comes fresh from the ponds; much of it is imported. The only way you can be sure you're buying local farm-raised shrimp is if the shrimp is still kicking. Romy's Kahuku Prawns and Shrimp Hut (Kamehameha Hwy., near Kahuku) is an arm of one of the longest-running aquaculture farms in the area; they sell live shrimp and prawns and farm-raised fish along with excellent plate lunches. The pan-fried shrimp and buttery, locally-raised corn from the bright-yellow Shrimp Shack, parked at The Ching Store on Kamehameha Highway in Punaluu, is first-rate, too.

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Islands of Hawaii
© Ron Dahquist

Oahu's North Shore Shrimp Trucks

When you're driving around the island of Oahu, you won't want to miss picking up a delicious shrimp lunch at one of the shrimp trucks parked near Kahuku on Oahu's north shore. There are also several roadside stands in this area where fresh cooked shrimp are sold.

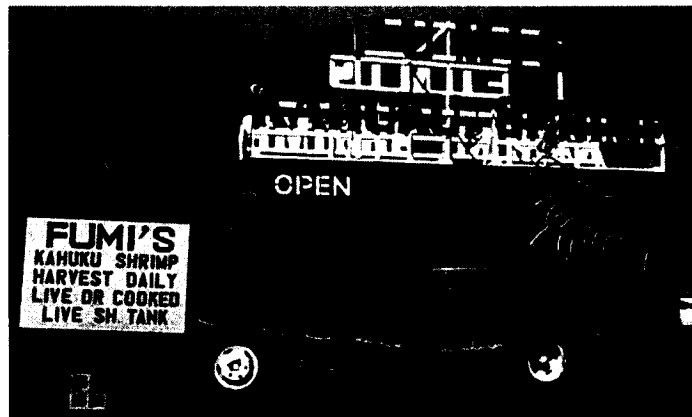


Photo Credit: Kathleen Walling Fry

More Photos

Most of the shrimp trucks on Oahu's north shore are located near the town of Kahuku, which is a well-known shrimp aquaculture area, but you will also find shrimp for sale in several other places along the road between Kualoa and Hale'iwa.

Shrimp plates are ordered at the windows of these shrimp trucks, and it is usually served with two scoops of rice, and sometimes macaroni salad, a green salad, pineapple slices, and/or a lemon slice. Plain unadorned shrimp is available, but the most popular shrimp plates have garlic, lemon butter, hot and spicy, sweet and spicy, or a soy-based sauce. The last time I ate at a shrimp truck the prices were about \$10-12 USD per plate.



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The shrimp served at these tricks is delicious, but it is also unpeeled, sometimes unveined, and very messy to eat. Be sure pick up plenty of napkins. Some of the shrimp truck locations have covered picnic tables with hawaiian music is playing.

The Shrimp Trucks

Blue Water Shrimp

This is one of newest shrimp trucks on Oahu's north shore, and it is one of the trucks that participated in the Turtle Bay Resorts 2005 "Battle of the North Shore Shrimp Trucks". Their shrimp plates come with a salad sprinkled with goat cheese and they have several non-shrimp items on their menu.

Famous Kahuku Shrimp Truck

This shrimp truck is usually parked in Kahuku, and they offer shrimp with lemon sauce, spicy sauce, and a sweet black pepper sauce. Their menu includes several non-shrimp items.

- [Review of Two North Shore Shrimp Trucks](#)

Fumi's Kahuku Shrimp and Seafood

Fumi's brightly painted "Hawaiian sunset" shrimp truck is impossible to miss, and their shrimp plates are simple but delicious. They offer garlic sauce, lemon butter sauce, and a spicy sauce, and plates are served with two scoops of rice, fresh pineapple slices, and a green salad. I have heard that service at some trucks is not friendly, but the people at Fumi's were very and smiling the last time I was there. Fumi's is one of the shrimp trucks that participated in the Turtle Bay Resorts 2005 battle of the North Shore Shrimp Trucks.

- [Photos of Fumi's Kahuku Shrimp Truck](#)

Giovanni's Shrimp Truck

Giovanni's graffiti-covered white shrimp truck is the oldest and one of the best known shrimp trucks on Oahu's north shore. They usually parked in Kahuku and Hale'iwa. They are most famous for their garlic shrimp that has large chunks of garlic in the sauce, but they also offer lemon butter and spicy sauces.

- [Giovanni's Aloha Shrimp Truck](#) (Ono Kine Grindz)
- [Review of Two North Shore Shrimp Trucks](#) (Reiki Aloha)
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Macky's Kahuku Sweet Shrimp This shrimp truck is owned by Macky Chen's Chen-Lu Shrimp Farm. Plates come with two scoops of rice, a pineapple slice, a piece of sweet potato, and a green salad. Macky's was the winner of the 2005 Battle of the Northshore Shrimp Trucks" contest that was part of the Turtle Bay Resort's first annual Seafood Festival. The winning shrimp recipe was suppose to be added to the menu at the Turtle Bay Resort, but I have not been able to find out which of Macky's sauces won the competition. Does anybody know? (please send email to hawaiiittravelnewsletter@gmail.com).

Romy's Kahuku Prawns and Shrimp Hut
The owners of this roadside shrimp stand at 56-781 Kamehameha Highway in Kahuku use shrimp from their own aquaculture farm, and they offer the standard garlic and spicy sauces, and also a special asian-style house sauce that includes soy sauce and chile sauce. Their menu includes several non-shrimp items.

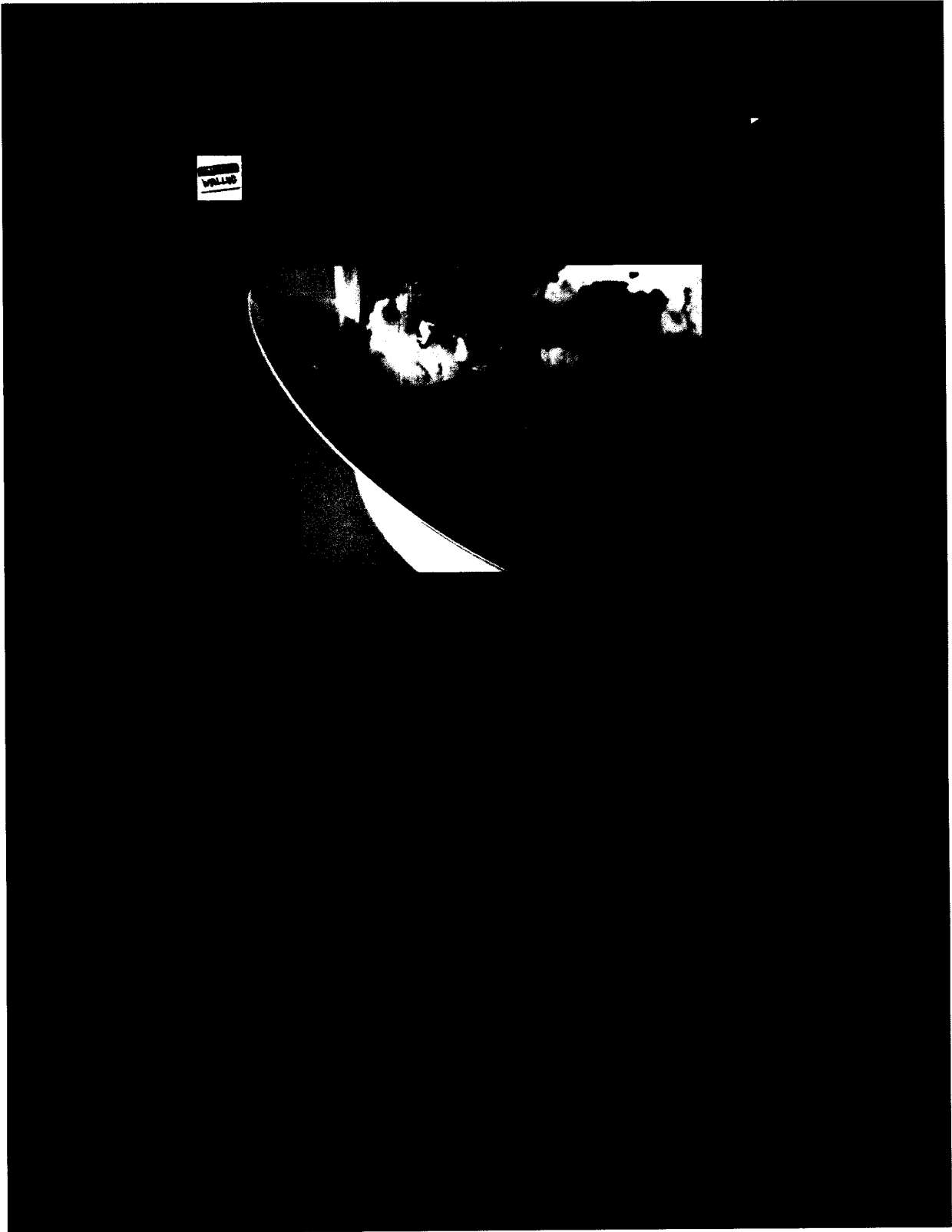
The Shrimp Shack
The Shrimp Shack is a bright yellow shrimp truck that is usually parked near Kaya's Store in Punalu'u. Their menu includes shrimp with either garlic sauce or cocktail sauce, and several other items. I have heard that the Shrimp Shack does not use Kahuku shrimp, but instead prefers to use Kauai shrimp.

- Honolulu Star Bulletin Shrimp Shack Article
- 101 Things to Do Shrimp Shack Article

The Kahuku Shrimp Truck Scandal
In August 2001, 46 year old Connie Aragona was charged with robbery, extortion, and kidnapping because of her efforts to take over Troy Nistche's lucrative north shore shrimp truck business at gunpoint. See also:

- The Grass Skirt Grill in Haleiwa
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O'ahu - Kahuku: Giovanni's Shrimp Truck - Shrimp Scampi

Giovanni's Shrimp Truck, a graffiti-covered white shrimp truck, is the oldest and one of the best known shrimp trucks on O'ahu's north shore. Usually parked off Kamehameha Highway just past Puuluaana Street in Kahuku, Giovanni's is famous for their shrimp scampi, but also serve a hot and spicy shrimp and a lemon and butter shrimp. Started in 1993 by the Aragona family, Giovanni's was sold to Troy Nitsche in 1997. Giovanni's sells an average of 400 plates of shrimp a day.

Comments and faves

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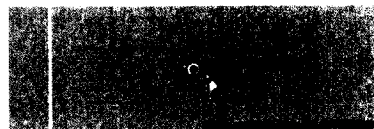
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Giovanni's Original White Shrimp Truck

It's the original white shrimp truck in Hawaii. Giovanni's Original White Shrimp Truck has been serving fresh, delicious shrimp for over 40 years. The truck is located in the heart of the historic district of Old Hilo, Hawaii. It's a must-visit for anyone who loves fresh shrimp.

The truck is owned and operated by Giovanni and his family. They have been serving fresh shrimp for over 40 years. The truck is located in the heart of the historic district of Old Hilo, Hawaii. It's a must-visit for anyone who loves fresh shrimp.

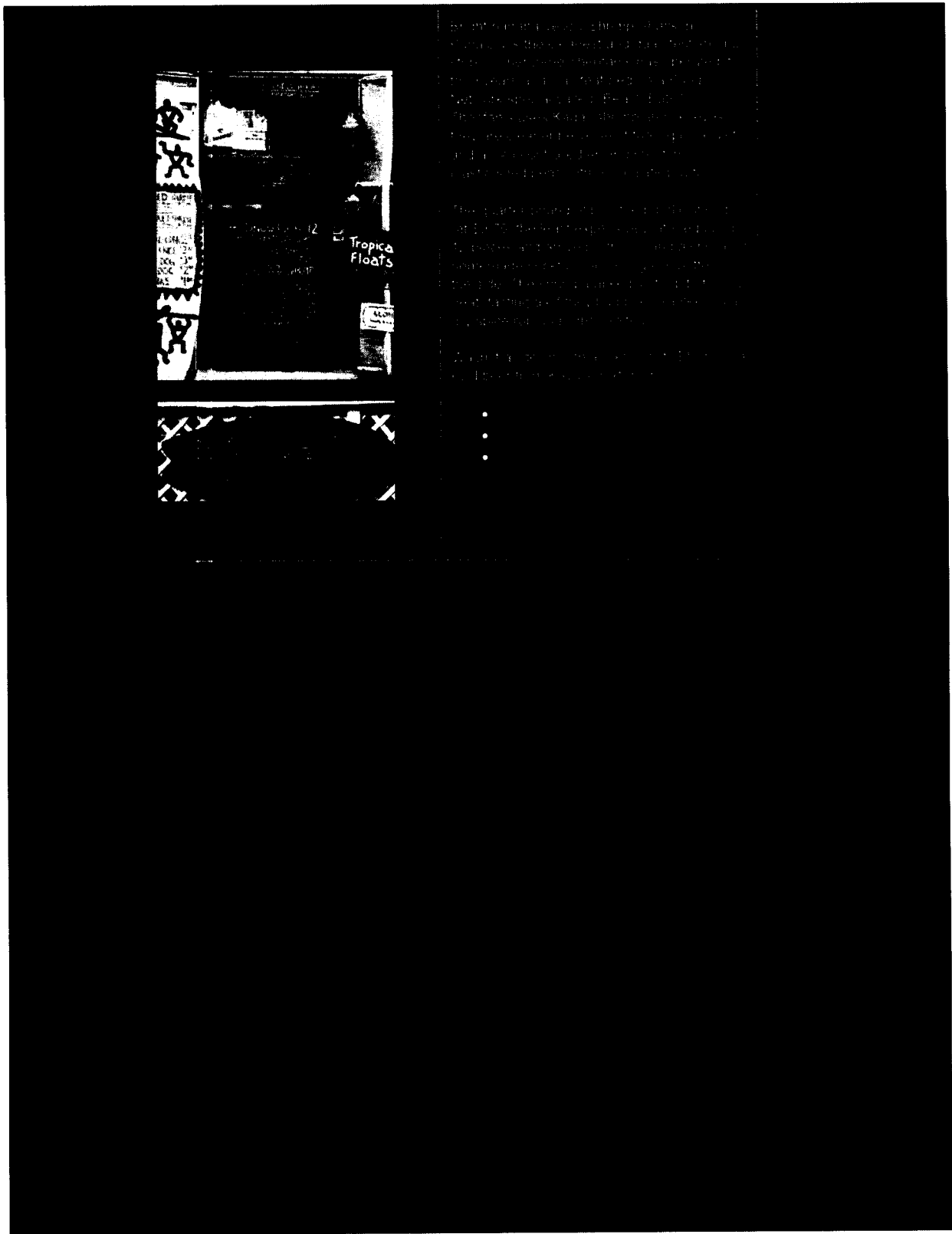
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**What began as an unknown, white shrimp truck on Oahu, Hawaii's North Shore —
Became a Legend ...**

Known for it's succulent shrimp morsels served up hot and tasty, Giovanni's Aloha Foods has been pleasing palettes since 1997. Giovanni's Hot & Spicy Sauce, a sauce almost as hot as volcanic lava, has been known to bring customers to their knees; while the mild, but flavor-packed, Giovanni's Scampi Marinade has brought nothing but delight to customers. **AND NOW YOU CAN BUY IT IN A BOTTLE!**

Our Customers Say

"Our friend told us to stop at the "White Shrimp Truck" in Kahuku, and we're glad we did! The garlic scampi was our family's overall favorite, and I loved the Hot & Spicy. I really mean it! I collect hot sauce from all over the place, Barbados to Belize, Louisiana to Los Angeles, and your secret African Roots and spice are truly unique. I can't wait till you start bottling it."

— Eddie, Terry & Jacob Coleman,
Venice, Calif.

"We think your shrimp scampi is the best we have eaten anywhere."

— Jim & Mary Jane West Lufkin, Texas

"Still looking forward to seeing you and having your famous shrimp sauces."

— Gerda Vienna, Austria

"The thing I miss most is my shrimp fix."

— Pat & Clyde Jacobs Vancouver, Canada

"Thanks for serving some of Oahu's finest, tastiest, freshest shrimp scampi. We really enjoyed dining daily at the white shrimp truck, during our recent vacation. Your shrimp is the BEST!"

— Harry & Rochelle Pillion, University Heights.


"You have been one of "A list" stops on our list of must see sights on Oahu As always it was the most scrumptious meal."

— Lou Harris San Mateo, California

"I miss talking to you and eating your incredible shrimp. I'll see you soon in paradise."

— Yasser Alexandria, Egypt

"Best shrimp ever!"



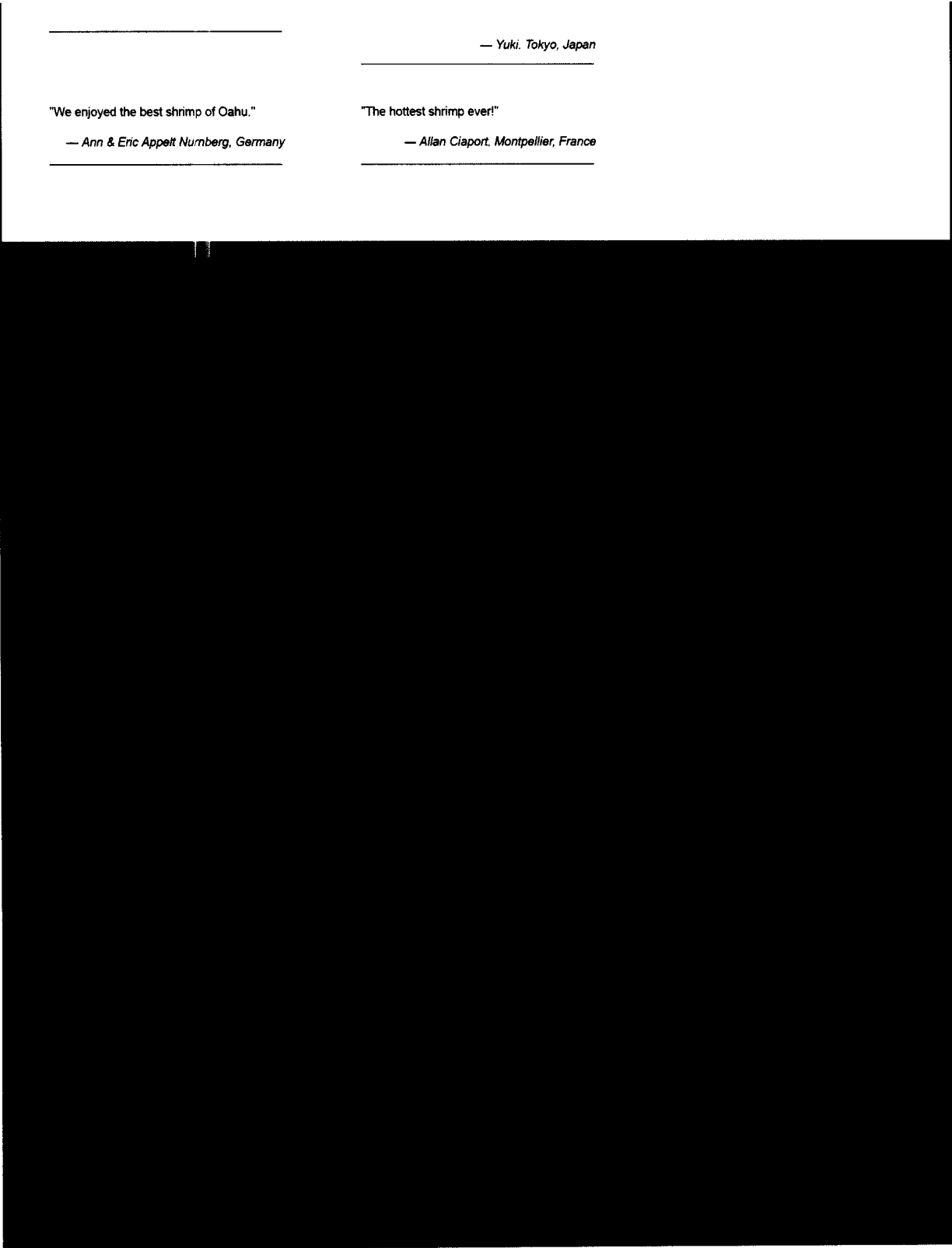
Giovanni's Famous White truck shrimp sauce

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Home > Destinations > North America > USA > Hawaii > Oahu > Restaurants


 the pages of history.










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Restaurants


You won't go hungry on Oahu. The full range of choices here includes chef-owned glamour restaurants, neighborhood eateries, fast-food joints, ethnic spots, and restaurants and food courts in shopping malls.

Our recommendations are organized by location, beginning with Waikiki, proceeding to neighborhoods west and east of Waikiki, and ending with the Windward Coast and the North Shore.

The culinary scene seems to change each year, and the current trends in Hawaii center on emphasizing organic and locally grown produce (with some restaurants actually naming the farms that grew the lettuce), small plates, sample tastings and even bite-size desserts, interesting and unusual specialty sandwiches on a variety of breads (from spelt to wraps), and exotic salt (in a range of colors and flavors). Hawaii regional cuisine and Pacific regional cuisine still reign supreme in Hawaii, as well as Pan-Asian and Mediterranean.

Whatever you have a hankering for, you'll find it on Oahu. My advice is to be adventurous, try new and different cuisine, and sample foods you've never heard of. It's moments like these

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Current Maps	new and different cuisine, and sample foods you've never heard of. It's moments like these that create great memories.
Dahu Forum	
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Index	
Most Recent Destination Forum Posts	Dining in Waikiki 24-7 -- If your flight to Honolulu arrives late and you're starving, your knight in shining armor in Waikiki is the newly opened MAC 24-7 (which stands for Modern American Cooking, 24 hours a day, 7 days a week), at the Hilton Waikiki Prince Kuhio Hotel , 2500 Kuhio Ave. (at Liliuokalani Ave.; tel. 808/921-5564). All day, every day, the kitchen offers everything from breakfast, lunch, and dinner to snacks and desserts, and the bar pours drinks all day, except between 4 and 6am. It's not just for late-night dining (although it comes in handy, as Waikiki eateries shut down by 10-11pm), it's also a great place to get picnic lunches during the day.
Most Recommended Articles	
Most Commented Articles	The cuisine is coffee shop/diner "comfort" food, reasonably priced for Waikiki (\$4-\$28, with most entrees in the \$15-\$28 range), and plenty of it. Portions can feed two and, in some cases, three people. My pick for best meal of the day is breakfast, where the six-pack of buttery cinnamon rolls (\$6) will feed three and the yummy wild blueberry pancakes (\$15) are supersized (three pancakes, each one 14 in. in diameter), plenty for two hungry people. Another must-try from the menu: the delicious meatloaf with garlic mashed potatoes and mushroom gravy (\$18). The view from the floor-to-ceiling windows is of the landscaped gardens in the lobby. The decor is sophisticated but sparse with splashes of bright color, and the waitstaff is friendly and helpful.
	Downtown Downtowners love the informal walk-in cafes lining one side of attractive Bishop Square , at 1001 Bishop St. (at King St.), in the middle of the business district, where free entertainment is offered every Friday during lunch hour. The popular Che Pasta is a stalwart here, chic enough for business meetings but not too formal (or expensive) for a spontaneous rendezvous over pasta and minestrone. Some places in Bishop Square open for breakfast and lunch, others just for lunch, but most close when business offices empty. Note: Keep in mind that Restaurant Row (Ala Moana Blvd., btw. Punchbowl and South St.), which features several hot new establishments, offers free validated parking in the evening.
	The North Shore The Shrimp Trucks -- The best, sweetest, juiciest shrimp you are ever going to eat will be from a shrimp truck on Oahu's North Shore. Several trucks line up around the entry to Haleiwa, just off the Kamehameha Highway, but here are my two favorites: Giovanni's Original White Shrimp Truck (tel. 808/293-1839), which usually parks across the street from the Haleiwa Senior Housing (or McDonald's, claiming to be the first shrimp truck to serve the delicious aquaculture shrimp farmed in the surrounding area. The menu is simple: spicy, garlic, or lemon and butter shrimp . Skip the lemon and butter (bring it) and go for the garlic (my fave) or the spicy (but beware, it's hot), peris a punch. The battered white truck has picnic tables under its awning, so you can munch away right there. Holy Smokes: Hawaiian Meats and Seafood , the other shrimp truck parked in the same area, has a bit more extensive menu; in addition to the famous shrimp , it offers pork spare ribs (\$10), smoked chicken (\$8), and a steak plate (\$18).



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smoked chicken (\$9), and a steak plate (\$12).

The trucks are usually in place before noon and stay until about sunset. Depending on how much  you can down, expect to spend no more than \$12 per person.

LUAU! -- The sun is setting, the Tiki torches are lit, the pig is taken from the *imu* (an oven in the earth), the drums begin pounding -- it's luau time! And now there is a luau on the North Shore, the **Turtle Bay Resort** presents its **Voyages of Polynesia Luau** on the lawn overlooking the ocean. It includes a "Taste of the Islands" luau buffet and a Polynesian revue featuring the songs and dances of the Tuamotu Islands, Samoa, Tahiti, Fiji, and Hawaii. Tickets for the Friday-night dinner and show are \$95 for adults and \$65 for children ages 4 to 11. To book, call tel. **808/293-6000**.

Hey, No Smoking in Hawaii

Well, not totally no smoking, but Hawaii has one of the toughest laws against smoking in the U.S. It's against the law to smoke in public buildings, including airports, shopping malls, grocery stores, retail shops, buses, movie theaters, banks, convention facilities, and all government buildings and facilities. There is no smoking in restaurants, bars, and nightclubs. Most bed-and-breakfasts prohibit smoking indoors; more and more hotels and resorts are becoming nonsmoking, even in public areas. Also, there is no smoking within 20 feet of a doorway, window, or ventilation intake (no hanging around outside a bar to smoke, you must go 20 ft. away). Even some beaches have no-smoking policies (and on those that allow smoking, you'd better pick up your butts and not use the sand as your own private ashtray -- or face stiff fines). In Hawaii, breathing fresh clean air is "in" and smoking is "out."

Room Service from 50 Different Restaurants

You are not limited to the room service menu in your hotel room; **Room Service in Paradise** (tel. **808/941-DINE** [3463]; www.941-dine.com) delivers almost a dozen different cuisines (from American/Pacific Rim to Italian to sandwiches and burgers) from oodles of restaurants to your hotel room. All you do is select a restaurant and order what you want (peruse the online menus or pick up one of the magazines in various Waikiki locations). You are charged for the food, a \$7.25 to \$8.25 delivery charge in Waikiki (more in outlying areas), and a tip for the driver. Both lunch and dinner are available; call in advance, and your food will be delivered whenever you want. Best of all, you can pay with your credit card.

Tasty Tours for the Hungry Traveler

See Honolulu -- one restaurant at a time. Former Honolulu newspaper food critic and chef Matthew Gray has put together **"Hawaii Food Tours"** to show you a side of Hawaii that you would not discover on your own. He offers three different types of tours, all with transportation from your Waikiki hotel in an air-conditioned van and all with running commentary on Hawaii's history, culture, and architecture. Our favorite was the "Hole-in-the-Wall Tour," a lunch tour from 10am to 2pm for \$99 per person, where you visit at least four different ethnic restaurants (Vietnamese, Indian, local food, and dessert). Mathew has already preordered the best dishes from their menus. He also offers the "Hawaiian Feast in Paradise," a three-course feast in contemporary Hawaiian foods for \$149, and a "Gourmet Trilogy Tour" of three different restaurants with everything from champagne to a decadent dessert for \$199 per person. For information and booking, call tel. **800/715-2468** or 808/926-FOOD [3663], or go to www.hawaiifoodtours.com.

Attention Condo Dwellers: Fix, Freeze & Feed Dinners

If you are staying in a condo or other accommodations with kitchen facilities, there is an alternative to eating out every night or slaving over a stove during your vacation, and its name is Dream Dinners. **Dream Dinners**, Niu Valley Shopping Center, 549 Halemaumau St. (tel. **808/373-1221**; www.dreamdinners.com), is a "meal assembly kitchen," where you gather all the ingredients for your own heat-and-serve meals, using the recipes and prepared ingredients they provide. After signing up online and booking an appointment, you go through an assembly line choosing various fixings for your entrees. You can freeze or just refrigerate the meals and serve a gourmet dinner for a fraction of the cost of eating out. When this guide was published, entrees (which included chicken with honey, garlic, and orange; lemon fish filets; arroz con pollo; lasagna; steakhouse sirloin; and risotto primavera) ranged in price from \$4 to \$6 per serving. The downsides of this great money-saver are that it's only best for groups or families (you choose 3-6 servings per dinner), it's located in Niu Valley (away from most visitor accommodations), and you need at least 1 to 2 hours to do your "shopping."

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VIEW BEST DEALS

LIST ALL RESTAURANTS

Maps

- Waikiki Dining
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Note: This information was accurate when it was published, but can change without notice. Please be sure to confirm all rates and details directly with the companies in question before planning your trip.

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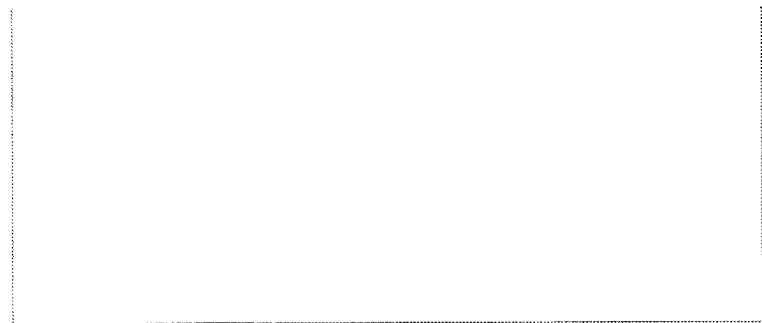


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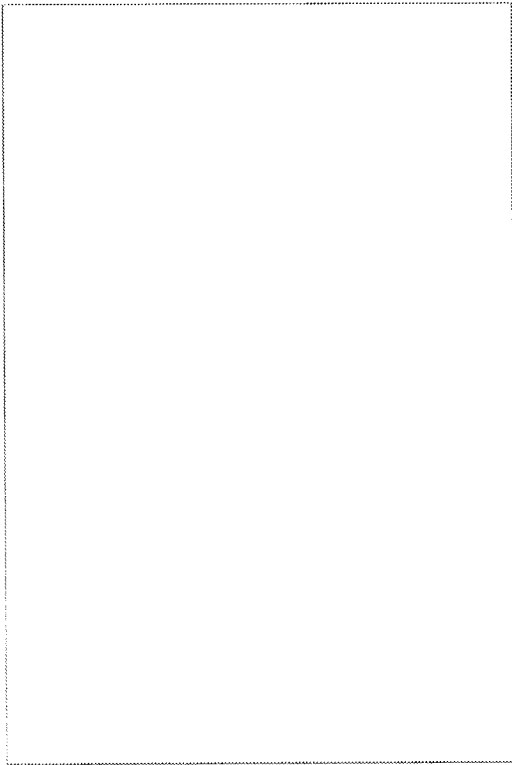


DESCRIPTION COMMENT MAP

Giovanni's Shrimp Truck, a graffiti-covered white shrimp truck, is the modest and one of the best known shrimp trucks on Oahu's north shore. Usually parked off Lamerhana Highway just past Puuwaaweia Street in Kahuku, Giovanni's is famous for their shrimp scampi, but it is also known for hot and spicy shrimp and a lemon and butter shrimp. Started in 1940 by the Augustus family, Giovanni's was sold to Tony Antoshe in 1997. Giovanni's sells an average of 400 plates of shrimp a day.

Tag: Giovanni's Shrimp Truck Giovanni's Original Kona Shrimp Truck Giovanni's Shrimp Truck Giovanni's Shrimp Boatline's Kahuku Shrimp Truck Giovanni's Shrimp Truck Giovanni's Shrimp Truck Giovanni's Shrimp Truck Giovanni's Shrimp Truck Giovanni's Shrimp Truck

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Oahu - Kahuku: Giovanni's Shrimp Truck

by n09g

Canon PowerShot SD1400 IS — 1/250s f/8 ISO 160 at 5 min

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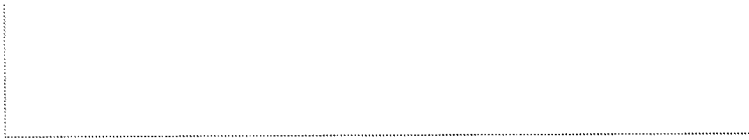
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